

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 4 2018

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-CR-043
(13-CV-145)

LINDSEY KENT SPRINGER,

Defendant.

DECLARATION OF LINDSEY KENT SPRINGER

I, Lindsey Kent Springer ("Springer"), declare that:

1. I make this Declaration in support of my Application to Set Aside the § 2255 Court's Judgment dated August, 22, 2014, Doc. 585, filed simultaneously herewith.
2. On or about October 24, 2013, Charles A. O'Reilly ("O'Reilly"), Jeffrey A. Gallant ("Gallant"), and Danny C. Williams, Sr. ("Williams") filed in the above captioned matter, a response opposing my Motion, stating the numerous authorizations and appointments O'Reilly received in writing to the office of Special Assistant United States Attorney ("SAUSA"), citing to 28 U.S.C. § 515(a) and 28 CFR § 0.13(a), found at Doc. 525, pg. 2. Attached hereto and Marked as Exhibit 1 is a true copy of Doc. 525.
3. On or about October 24, 2013, O'Reilly, Gallant, and Williams filed, in the above captioned matter, a response opposing my request for discovery of various records of appointment evidencing the standing to represent the United States of America ("U.S. of A.") in the criminal prosecution by the lawyers purporting the Article III and statutory standing to do so after David E. O'Meilie resigned on June 28, 2009, as the Northern District of Oklahoma's ("NDOK") United States Attorney ("USA"), found at Doc. 526. Attached hereto and Marked as Exhibit 2 is a true copy of Doc. 526.

4. Springer refers the Court to Docs 525 and 526 for a more thorough depiction of these filings by O'Reilly, Gallant, and Williams.

5. On March 11, 2013, I filed a Motion under 28 U.S.C. § 2255 raising several Grounds for relief, including Grounds One and Two. Attached hereto and Marked as Exhibit 3 is a true copy of Doc. 472, pgs. 11 (Ground One) and 12 (Ground Two).

6. By letter dated on or about June 3, 2005, the Internal Revenue Service ("IRS") made a recommendation to the Department of Justice ("DOJ") that I be investigated for tax offenses. Attached hereto and Marked as Exhibit 4 is a true copy of Exhibit 15, pgs. 1-2 to my Declaration filed in support of my § 2255 Motion(Doc. 474, Exhibit 15).

7. By letter dated on or about June 10, 2005, the DOJ informed David E. O'Meilie ("O'Meilie") the Tax Division had no objection to expanding existing non-tax investigation and warning no tax charges may be filed without prior approval from the Tax Division. Attached hereto and Marked as Exhibit 5 is a true copy of Exhibit 15, pgs. 3-5 to my Declaration filed in support of my § 2255 Motion(Doc. 474, Exhibit 15).

8. In August, 2012, the Tulsa World Reported the United States Senate's confirmation of Williams, as the next USA for the NDOK, and that the office had remained in limbo for more than 3 years since O'Meilie left office. Attached hereto and Marked as Exhibit 6 is a true copy of Exhibit 8 to my Declaration filed in support of my § 2255 Motion(Doc. 474, Exhibit 8)

9. On or about January 17, 2014, Williams and Martin M. Shoemaker ("Shoemaker") filed a response opposing Springer's Motion in U.S. of A v. Springer, 08-CV-278, supported by a Declaration of Shoemaker, with Exhibits Shoemaker declared he received from Williams' Office in Tulsa. Attached hereto and Marked as Exhibit 7 is a true copy of the January

17, 2014 response by Williams and Shoemaker and Declaration of Shoemaker with the Exhibits attached thereto.

10. On March 25, 2015 I requested under the Freedom of Information Act ("FOIA") records in the possession of the DOJ showing John A. Marrella ("Marrella") held the office of Deputy Assistant Attorney General, Tax Division, on or about December 23, 2008, as purported by O'Reilly, Gallant, and Williams, on October 24, 2013 in Doc. 525, pg. 2. Attached hereto and Marked as Exhibit 8 is a true copy of my March 25, 2015 FOIA request.

11. On July 17, 2015 the DOJ responded to my March 25, 2015 FOIA request involving Marrella and finding no records showing Marrella as Deputy Assistant Attorney General, Tax Division ("DAAGTD"). Attached hereto and Marked as Exhibit 9 is a true copy of the DOJ's July 17, 2015 FOIA response to me.

12. On September 11, 2015 I appealed to the Office of Information Policy ("OIP") the July 17, 2015 DOJ FOIA decision. Attached hereto and Marked as Exhibit 10 is a true copy of my appeal to OIP dated September 11, 2015.

13. On March 16, 2016, OIP sent me their decision involving my appeal of the DOJ's FOIA decision affirming the DOJ's finding no records existed in its possession showing Marrella as DAAGTD. Attached hereto and Marked as Exhibit 11 is a true copy of OIP's March 16, 2016 affirmance decision.

14. In a letter dated May 6, 2015, in response to my FOIA request dated March 25, 2015 involving Tamara W. Ashford ("Ashford"), DOJ provided to me a copy of an order signed by then Attorney General Eric H. Holder, Jr. ("Holder") naming Ashford "to be Prinicipal Deputy Assistant Attorney General for the Tax Division." Attached hereto and Marked as Exhibit 12 is a true copy of DOJ's May 6, 2015 response, with attachments, that I received.

15. On March 25, 2015 I requested under the FOIA records possessed by the DOJ showing O'Reilly received a letter on or about December 23, 2008 authorizing him to prosecute me pursuant to 28 U.S.C. § 515(a) and 28 CFR § 0.13(a), as O'Reilly, Gallant, and Williams represented to this Court on October 24, 2013 in Doc. 525, pg. 2. Attached hereto and Marked as **Exhibit 13** is a true copy of my March 25, 2015 FOIA request.

16. On July 21, 2015 the DOJ responded to my March 25, 2015 FOIA request involving O'Reilly and finding 2 records the DOJ determined responsive to my request. Attached hereto and Marked as **Exhibit 14** is a true copy of the DOJ's July 21, 2015 FOIA response to me.

17. On December 31, 2014 I requested under the FOIA records possessed by Williams' Agency showing O'Reilly appointed to the NDOK as a SAUSA between January 5, 2009 through January 4, 2011 (the exact time period covered by this FOIA request is December, 2008 through January, 2015), as O'Reilly, Gallant, and Williams represented to this Court on October 24, 2013 in Doc. 525, pg. 2. Attached hereto and Marked as **Exhibit 15** is a true copy of my December 31, 2014 FOIA request.

18. On January 8, 2015 Williams' Agency sent me a letter involving my FOIA requests naming O'Reilly, Kenneth Snoke ("Snoke"), and Scott Woodward ("Woodward"), explaining Williams' decision to forward these requests, along with others, to the Executive Office for United States Attorneys ("EOUSA"). Attached hereto and Marked as **Exhibit 16** is a true copy of Williams' Agency letter dated January 8, 2015 to me.

19. On July 23, 2015 EOUSA responded for Williams' Agency to my FOIA requests naming O'Reilly, Snoke, Woodward, and others, and finding 2 records EOUSA determined responsive to all my FOIA requests presented to Williams' Agency. Attached hereto and Marked as **Exhibit 17** is a true copy of EOUSA's

July 23, 2015 FOIA responses to me.

20. On July 29, 2015 EOUSA issued a supplemental response to my FOIA request naming O'Reilly and providing 1 record it located in Williams' Agency.

Attached hereto and Marked as Exhibit 18 is a true copy of EOUSA's supplemental response dated July 29, 2015 to me.

21. On July 30, 2015, Williams and others filed documents in U.S. of A. v. Springer, 15-CV-0142, a FOIA Action, including therein a Declaration of Linda Richardson ("Richardson"), explaining Richardson's efforts to locate the appointment records I sought from Williams' Agency involving O'Reilly, Snoke, and Woodward, among others. Attached hereto and Marked as Exhibit 19 is a true copy of Richardson's July 30, 2015 Declaration served upon me in 15-CV-0142.

22. On January 27, 2010, O'Reilly, Snoke, and Woodward filed opposition to a Motion then pending before the District Court in which it was stated that Woodward was sworn in on January 21, 2010 as the Attorney General's appointed USA for the NDOK in Doc. 292. Attached hereto and Marked as Exhibit 20 is a true copy of Doc. 292.

23. In a letter dated June 4, 2014, in response to my FOIA request naming O'Reilly dated October 23, 2013 to EOUSA, EOUSA determined that, as of its search for records date, "SAUSA Charles A. O'Reilly in (sic) no longer an employee. Therefore, his official personnel file is no longer maintained." Attached hereto and Marked as Exhibit 21 is a true copy of EOUSA's June 4, 2014 FOIA response to me.

24. On December 31, 2014 I requested under the FOIA records possessed by Williams' Agency showing Woodward as O'Meilia's "First Assistant" and any Notification of Personnel Action prior to October 5, 2009. Attached hereto and Marked as Exhibit 22 is a true copy of my December 31, 2014

FOIA request.

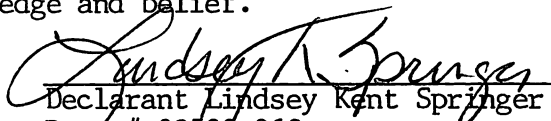
25. On December 31, 2014 I requested under the FOIA records possessed by Williams' Agency showing Woodward being appointed to the NDOK as an Assistant United States Attorney ("AUSA"), Acting USA, and USA, between January 1, 2009 through January 1, 2013. Attached hereto and Marked as Exhibit 23 is a true copy of my December 31, 2014 FOIA request.

26. On December 31, 2014 I requested under the FOIA records possessed by Williams' Agency showing Snoke being appointed to the NDOK, as an AUSA, between June 28, 2009 to April 28, 2010. Attached hereto and Marked as Exhibit 24 is a true copy of my December 31, 2014 FOIA request.

27. On February 28, 2016 I requested under the FOIA records possessed by National Personnel Records Civilian FOIA Unit ("NPRC") showing Snoke being appointed to the NDOK, as an AUSA, between January 20, 2001 through July, 2010. Attached hereto and Marked as Exhibit 25 is a true copy of my February 28, 2016 FOIA request.

28. On March 24, 2016 the NPRC responded to my February 28, 2016 FOIA request involving Snoke finding no records responsive to my request. Attached hereto and Marked as Exhibit 26 is a true copy of the NPRC's March 24, 2016 FOIA response to me.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.

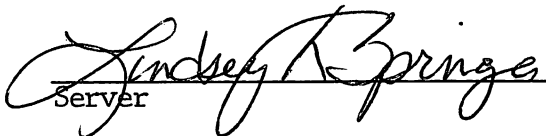

Declarant Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Camp
P.O. Box 9000
Seagoville, Texas 75159

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2017 I mailed the above Declaration and Exhibits to the Clerk of Court, 333 West Fourth Street, Tulsa, Oklahoma 74103, by First Class Mail, Postage Prepaid;

I further certify that the persons representing the United States of America will receive service through the Court's ECF system as follows:

United States Attorney for the Northern District of Oklahoma
Jeffrey A. Gallant
Charles A. O'Reilly


Server

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that I placed the above Declaration and Exhibits in the U.S. Mailbox located inside Seagoville Federal Prison Camp to the address for the Clerk listed above. on December 28, 2017.


Declarant

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)

Plaintiff/Respondent)

v.)

Case No. 09-CR-043-SPF

LINDSEY KENT SPRINGER,)

Defendant/Movant.)

**UNITED STATES' RESPONSE IN OPPOSITION TO MR. SPRINGER'S
MOTION TO STRIKE (DOCKET NUMBER 522)**

The United States of America, by and through its attorneys, Danny C. Williams, Sr., United States Attorney for the Northern District of Oklahoma, and Jeffrey Gallant, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby responds in opposition to Mr. Springer's fifteen-page Motion to Strike (Doc. No. 522). The pleading Mr. Springer seeks to have stricken, the United States' Preliminary Response Regarding Lindsey Springer's Motion for Relief Under 28 U.S.C. §2255 (Doc. Nos. 472 - 475) Concisely Listing Those Grounds For Relief That Should Be Stricken or Dismissed, is signed by an authorized representative of the United

States and complies with the Court's March 15, 2013 Order directing the United States to file a preliminary response (Doc. No. 478).

With respect to the above-captioned case, the undersigned represented the United States of America during the grand jury investigation, at trial, and during Mr. Springer's appeal from his conviction. Pursuant to Title 28, United States Code Section 515(a) and Title 28, Code of Federal Regulations Section 0.13(a), Deputy Assistant Attorney General John A. Marrella of the United States Department of Justice, Tax Division authorized the undersigned to represent the United States with respect to this investigation and prosecution by letter dated December 23, 2008.

By letter dated January 5, 2009, United States Attorney David E. O'Meilia appointed the undersigned as a Special Assistant United States Attorney for the Northern District of Oklahoma. The United States Attorneys for the Northern District of Oklahoma have extended the undersigned's appointment as a Special Assistant United States Attorney by letters dated January 4, 2010, January 4, 2011, January 10, 2012, and most recently by United States Attorney Danny C. Williams, Sr. in a letter dated December 19, 2012. Mr. Springer's rhetoric does not change the fact that the undersigned has been and remains authorized to represent the United States of America.

Mr. Springer's claim that the Government's Preliminary Response (Doc. No. 518) does not comply with the Court's March 15, 2013 Order (Doc. No. 478) is simply wrong. Mr. Springer states "First, Doc 518 is clearly not signed by an authorized representative

of the Government . . . according to any Federal Statute or the Constitution . . .” As addressed above, this assertion is incorrect.

Mr. Springer next claims that “Doc 518 is not in compliance with Judge Friot’s directive dated March 15, 2013 . . . [and that the United States’ response is] “unresponsive and confusing.” Mr. Springer’s Motion to Strike (Doc. No. 522) at 14. Again, Mr. Springer is in error. In the order dated March 15, 2013, the Court noted that in 271 pages of material Mr. Springer asserted 76 separate grounds for relief, many of which “would appear to have been previously litigated and adjudicated in the underlying criminal proceedings, or which could have been asserted in those proceedings.” Consistent with the Court’s direction, the United States summarized Mr. Springer’s voluminous submissions in a ten page responsive pleading sorting Mr. Springer’s 76 grounds for relief into twenty different issue categories, with a 53-page attachment identifying specifically where Mr. Springer’s asserted 76 separate grounds for relief had, or had, not been raised in the underlying proceedings.¹ The United States’ submission concisely lists, with supporting record citations, those grounds for relief that should be stricken or dismissed because they are procedurally barred.

¹ In his Motion to Strike, Mr. Springer asserts that he “has received no attachments . . .” Doc. No. 522 at 13. As indicated in the Certificate of Service, on September 9, 2013, the United States mailed both the preliminary response and the attachment to Mr. Springer at the Federal Correctional Institution in Big Spring, Texas. Nevertheless, on October 9, 2013, the United States resent copies of both the preliminary response and attachment, this time to Mr. Springer at the Federal Correctional Institution in El Reno, Oklahoma.

For the reasons stated above, the United States respectfully requests that the Court deny Mr. Springer's Motion to Strike (Doc. No. 522).

DATED: 24 October 2013

Respectfully submitted,

DANNY C. WILLIAMS, SR.
UNITED STATES ATTORNEY

/s/ Charles A. O'Reilly

CHARLES A. O'REILLY, CBA NO. 160980
Special Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2700

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October 2013, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing, and also served the foregoing document by United States Postal Mail, to:

Lindsey Kent Springer
Defendant
FCI El Reno
Federal Correctional Institution
P.O. Box 1500
El Reno, OK 73036
Inmate Number 02580-063.

/s/ Charles A. O'Reilly

Charles A. O'Reilly
Special Assistant United States Attorney



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

LINDSEY KENT SPRINGER,)

Defendant.)

Case No. 09-CR-043-SPF

ORDER

Defendant Lindsey Kent Springer's Motion to Strike (Docket No. 522) is denied.

DATED _____

STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff/Respondent)	
)	
v.)	Case No. 09-CR-043-SPF
)	
LINDSEY KENT SPRINGER,)	
)	
Defendant/Movant.)	

**UNITED STATES' RESPONSE IN OPPOSITION TO MR. SPRINGER'S
MOTION FOR LEAVE TO CONDUCT LIMITED DISCOVERY
ON UNITED STATES ATTORNEY (DOCKET NUMBER 523)**

The United States of America, by and through its attorneys, Danny C. Williams, Sr., United States Attorney for the Northern District of Oklahoma, and Jeffrey A. Gallant, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby responds in opposition to Mr. Springer's Motion for Leave to Conduct Discovery on United States Attorney (Docket No. 523). Mr. Springer articulates no legitimate basis for his request. Instead, Mr. Springer ask the Court to authorize a fishing expedition with respect to Mr. Springer's oft repeated and rejected assertion that the Government could not prosecute Mr. Springer because there was no United States Attorney for the Northern District of Oklahoma, and his similar claim that Assistant U.S. Attorneys Kenneth P. Snoke (now retired) and Jeffery A. Gallant, and Special Assistant

U.S. Attorney Charles A. O'Reilly were not authorized to represent the United States. Mr. Springer raised this spurious claim in the underlying case (*See United States v. Springer et al*, doc. nos. 288 and 493), and made brief references to this assertion on appeal (*See United States v. Springer*, Appellant Springer's Opening Brief at pages 5 and 53). Thus, Mr. Springer's claims are barred by issue preclusion. *See United States v. Galloway*, 56 F.3d 1239, 1242-43 (10th Cir. 1995). To the extent Mr. Springer failed to assert these claims in the underlying proceedings, he is procedurally barred from raising them in habeas review. *See United States v. Cervini*, 379 F.3d 987, 990 (10th Cir. 2004). Mr. Springer's attempt to relitigate the validity of the appointment of the United States Attorney warrants neither discovery nor the appointment of counsel; there is no constitutional right to counsel in mounting collateral attacks on a defendant's conviction. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987).

Finally, in support of his motion Mr. Springer cites *United States v. Navarro*, 959 F. Supp. 1273, 1277 (E.D.CA 1997)¹ in which a District Court set aside the conviction and dismissed the indictment when it determined that a Deputy District Attorney for the County of Sacramento, California had worked for many years as a Special Assistant United States Attorney in the Eastern District of California in violation of the Intergovernmental Personnel Act that limited such appointments to four years. Mr. Springer neglects to mention that the Ninth Circuit reversed the district court's

¹ Mr. Springer's Motion for Leave to Conduct Limited Discovery on United States Attorney, doc. no. 524 at 2 and 3.

decision and reinstated Navarro's conviction, stating that "[t]he Attorney General can still appoint SAUSAs for more than the four-year limit imposed by § 3372. The district court erred when it held to the contrary." *United States v. Navarro*, 160 F.3d 1254, 1258 (9th Cir. 1998).

For the foregoing reasons, this Court should deny Mr. Springer's requests for limited discovery and for the appointment of counsel.

DATED: 24 October 2013

Respectfully submitted,

DANNY C. WILLIAMS, SR.
UNITED STATES ATTORNEY

/s/ Charles A. O'Reilly
CHARLES A. O'REILLY, CBA NO. 160980
Special Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2700

CERTIFICATE OF SERVICE

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Defendant
FCI El Reno
Federal Correctional Institution
P.O. Box 1500
El Reno, OK 73036
Inmate Number 02580-063.

/s/ Charles A. O'Reilly
Charles A. O'Reilly
Special Assistant United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

Plaintiff(s)

vs.

Case Number: 09-CR-043-Friot

Lindsey Kent Springer, et al.,

Defendant(s)

MOTION UNDER U.S.C. § 2255
TO VACATE, SET ASIDE OR CORRECT A SENTENCE
BY A PERSON IN FEDERAL CUSTODY

Name (under which you were convicted): Lindsey Kent Springer	
Place of Confinement: FCI Big Spring (Low)	Prisoner No.: 02580-063

1. (a) Name and location of court which entered the judgment of conviction you are challenging: United States District Court for the Northern Judicial District of Oklahoma, located at 333 W. 4th St., Tulsa, Oklahoma, 74103
- (b) Criminal docket or case number (if you know): 09-CR-043-Friot
2. (a) Date of the judgment of conviction (if you know): April 28, 2010
- (b) Date of sentencing: April 21, 22, and 23, 2010
3. Length of sentence: 180 months-Count 1,2,3 60 months ran consecutive w/ 4,5,6
4. Nature of crime (all counts): Count 1 alleged a conspiracy to defraud the IRS by impeding lawful functions of ascertainment and assessment of federal income taxes; Count 2,3,4 alleged attempt to evade assessment of income taxes for 2000,2003, and 2005 respectively; Count 5 and 6 alleged will-failure to file an income tax return for 2002 and 2004 respectively.
All Six Counts alleged either failure to file Form 1040 or U.S. Individual Income Tax Return (or income tax return).
5. (a) What was your plea? (Check one)

(1) Not guilty ☒
(2) Guilty ☐
(3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or what did you plead guilty to and what did you plead not guilty to? _____

GROUND 1 - The indictment, conviction, sentence, and judgment on all Six Counts must be vacated and set aside being entered without jurisdiction in violation of Article I, §. Cl.3. Article III, § 2, Fifth Amendment, 18 U.S.C. § 3231 and 26 USC § 7801(a).

- (a) FACTS - Congress only placed the decision to enforce tax laws, civil and criminal, in the office of the Secretary of the Treasury personally at 26 USC § 7801(a). The June 3, 2005, letter proffered as a referral for Grand Jury prosecution is not issued by the Secretary of the Treasury as defined at 26 USC § 7701(a)(11)(A). Neither the offices of U.S. Attorney David O'Mielia, Grand Jury, or the District Court Judge, had Congressional or Constitutional authority to enforce the Tax Laws under Title 26 or offenses related to Title 26 without the permission of the Secretary of the Treasury.

See Springer's Declaration Filed in Support of this Motion incorporated herein in its entirety and also specifically at page 4

See Memorandum in Support of this Motion at 1-2

(b) Direct Appeal of Ground One

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: Appellate Counsel was ineffective for failing to raise this Ground on appeal and this deficiency was prejudicial to Defendant. I do not know why he did not raise Ground One.

- (c) (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

- (4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

- (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

- (6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

- (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise issue: _____

GROUND 2 The indictment, conviction, sentence, and judgment on each of the six Counts must be vacated and set aside where Trial Jurisdiction was lost when the U.S. Attorney resigned on June 28, 2009, leaving no one authorized by the President or the Secretary of the Treasury, or confirmed by the Senate under 28 USC § 541 to prosecute me on tax, or tax related offenses, under 28 USC § 547(1).

- (a) FACTS - Congress only authorized the Secretary of the Treasury to personally enforce all Tax Laws under Title 26. Congress only authorized a U.S. Attorney to prosecute criminal offenses at 28 USC § 547(1). David O'Mielia resigned his Senate confirmed office on June 28, 2009, out of the Northern Judicial District of Oklahoma. No U.S. Attorney existed from June 28, 2009 until Summer, 2012.

See Springer Declaration Filed in Support of this Motion incorporated herein in its entirety and also specifically at page 11, 32, and 48

See Memorandum in Support of this Motion at pages 2, 3, and 4

(b) Direct Appeal of Ground Two

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: Appellate Counsel was ineffective for failing to raise Ground Two on appeal and this deficiency was prejudicial to Defendant. I do not know why he did not raise Ground Two.

- (c) (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

- (4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

- (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

- (6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

- (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise issue: _____



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

Criminal Investigation

1 Val.

CAUTION: ENCLOSURES CONTAIN GRAND JURY INFORMATION .

June 3, 2005

The Honorable Eileen J. O'Connor
Assistant Attorney General
Department of Justice (Tax Division)
600 E. NW, Room 5013 BICN Bldg.
Washington, DC 20530

*Patterson Invest.
Exp.*

Attn: Ronald A. Cimino, Chief Western Enforcement Section

Re: Title 26 Grand Jury Investigation Expansion
Concerning: LINDSEY K. SPRINGER

Dear Mr. Cimino:

I am referring the matter shown above to your office concurring with your request to expand a grand jury investigation. Based on my review of the information provided by Assistant U. S. Attorney Melody Noble Nelson and our examination of the relevant tax records, I find there is reason to believe that federal criminal tax violations have been committed. Disclosures of tax return and/or tax return information made herein or in the accompanying enclosures are authorized by 26 U.S.C. § 6103(h)(3)(A). I have authorized the commitment of Internal Revenue Service resources to assist in the investigation of potential Title 26 and Title 26-related violations that Lindsey K. Springer may have committed for the years 2000 through 2004.

The following information is enclosed for your review:

1. Form 9131 and Exhibits
2. Evaluation memorandum prepared by Criminal Tax attorney.

If you need Criminal Tax Counsel to assist in the evaluation of evidence developed by the grand jury as it relates to Title 26 and Title 26-related offenses, please call me at (214) 413-5919 and I will arrange to have a docket attorney assist you.

EXHIBIT 4 --- 1 OF 2

EXHIBIT 15-1

*5-59N-7848
2000201076*

8/8/05

with the notation, "Material to be opened by address only." If you have any questions regarding this memorandum, please contact Supervisory Special Agent William R. Taylor or Special Agent Brian Shern at (918) 581-7050 Ext. 230.

Sincerely,

Michael D. Lacenski
Special Agent in Charge
Dallas Field Office
1100 Commerce Street, DAL 9000
Dallas, TX 75242

Enclosures (2)

Cc: Richard A. McDonald
Field Counsel (Criminal Tax)

EXHIBIT 4 --- 2 OF 2

EXHIBIT 15-2



U.S. Depa. of Justice
Tax Division

Western Criminal Enforcement Section
P.O. Box 972, Ben Franklin Station (202) 514-5762
Washington, D.C. 20044 Telefax: (202) 514-9623

EJO'C:RACimino:jhm
DJ# 5-59N-7848
CMN# 2000201076

June 10, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

David E. O'Meila, Esquire
United States Attorney
Northern District of Oklahoma
3600 United States Courthouse
110 West 7th Street
Tulsa, OK 74119

Attn: AUSA Melody Noble Nelson

Re: Grand Jury Investigation
Patterson Investigation
Northern District of Oklahoma
DJ# 5-59N-7848
Concerning: Lindsey K. Springer

Dear Mr. O'Meila:

Reference is made to a letter dated June 3, 2005, the Special Agent-in-Charge, Internal Revenue Service, Dallas, Texas, approving your request to expand an existing non-tax grand jury investigation to include an investigation of potential criminal tax violations in the above-entitled matter. In accordance with Tax Division Directive 86-59, the Tax Division has no objection to this expansion.

Pursuant to established procedures, no tax or tax-related charges, including charges to which a target has agreed to enter into a plea agreement, may be filed without prior approval of the Tax Division. You are reminded that any expansion of this grand jury investigation, to include additional targets, requires Tax Division approval as well. If you determine that use of the statutory compulsion process pursuant to 18 U.S.C. § 6003(b) or a non-prosecution agreement with a witness ("letter immunity") is warranted, refer to the procedures set forth in U.S.A.M. § 9-23.000, et seq., and U.S.A.M. § 9-27.600, et seq., respectively.

EXHIBIT 5 --- 1 OF 3

EXHIBIT 15-3

DJ File Copy
→

- 2 -

Upon conclusion of the investigation, please provide the testimony, documents, and other materials accumulated by the grand jury to the assisting Internal Revenue Service agent for the sole purpose of analyzing the potential criminal tax aspects of the case and preparing a report setting forth his or her recommendation regarding prosecution. This report will be reviewed by an Internal Revenue Service Counsel, who will make a written evaluation and recommendation to the Special Agent-in-Charge. The Special Agent-in-Charge will forward the reports and exhibits, along with his or her recommendation regarding prosecution to the Tax Division.

You must provide the Tax Division with a written report of your views regarding the prosecution potential of this case, the non-tax charges, if any, that you intend to bring, and the anticipated date of indictment. In addition, the case should be submitted to the Tax Division for review at least 60 days prior to the date on which you need a decision.

You have the authority to terminate this investigation, provided that prior written notification is given to both the Tax Division and the Internal Revenue Service. This notification should indicate that the matter is terminated pursuant to 26 U.S.C. § 7602(d). Please be reminded that your use of all tax returns and return information is governed by 26 U.S.C. § 6103(h). In the event that the tax aspects of the investigation are terminated, you must obtain a court order pursuant to Section 6103(I) in order to retain and use such returns and return information previously obtained under Section 6103(h).

In all future correspondence, please use the following caption:

Re: Grand Jury Investigation
Patterson Investigation
Northern District Oklahoma
DJ# 5-59N-7848
Concerning:

Please list each target (individuals and entities) who is the subject of the correspondence.

A copy of the Special Agent-in-Charge's letter and its attachments is enclosed. You are reminded that Fed. R. Crim. P. 6(e)(3)(B) requires that you furnish the court with the names of all persons with access to grand jury material. Enclosed with the Special Agent's letter are the IRS Counsel's memorandum and IRS Form 9131 (Request for Grand Jury Investigation) which lists all Internal Revenue Service personnel to whom such material has been disclosed.

EXHIBIT 5 --- 2 OF 3

EXHIBIT 15-4

- 3 -

Please advise all Internal Revenue Service personnel who assist you in this investigation, and who will have access to grand jury material, that such material is supplied to them on the following conditions:

1. All grand jury material will remain under the custody of the grand jury, the United States Attorney, and the Tax Division;
2. Disclosure of grand jury material may be made only to Internal Revenue Service personnel who are assisting in the investigation and formulating a recommendation by the Service regarding prosecution, and such Internal Revenue Service personnel may only use the grand jury material for this purpose;
3. The Internal Revenue Service will furnish the Tax Division with advice and a recommendation, whether favorable or unfavorable, regarding the prosecution potential of this case;
4. The Internal Revenue Service will return all grand jury material to you when it is no longer needed for use in advising and assisting the Department of Justice in the investigation of this matter.

If you have any questions about this case or your authority under Directive 86-59, you may contact Tax Division, Western Criminal Chief Ronald A. Cimino at (202) 514-5762. Please acknowledge receipt of this letter and its enclosures.

Sincerely yours,

EILEEN J. O'CONNOR
Assistant Attorney General
Tax Division

By:

RONALD A. CIMINO
Chief, Western Criminal
Enforcement Section

Enclosures

(1 Volume)

cc: Special Agent in Charge
Dallas, Texas

EXHIBIT 5 --- 3 OF 3

EXHIBIT 15-5

Senate OKs U.S. attorney nominee

BY DAVID HARPER

World Staff Writer

The U.S. Senate on Thursday night confirmed the nomination of Danny Williams as the new U.S. attorney for the Tulsa-based Northern District of Oklahoma.

Williams, a partner in the law firm of Charney, Buss & Williams, now specializes in condemnation proceedings but has prosecutorial experience as a former assistant district attorney.

A native of Mississippi, he is a graduate of Dillard University and the University of Tulsa law school.

Scott Woodward has been serving in the role of top federal prosecutor in the district since former U.S. Attorney David O'Meilia left office more than three years ago.



APPROVED

Danny Williams: The Tulsa lawyer is the new U.S. attorney for the Northern District.

The Tulsa-based position has been the last U.S. attorney position still in limbo after the turnover in federal administrations that followed the 2008 presidential election.

The Obama administration and Oklahoma's two Republican senators had been unable to agree on a nominee until Williams' name was put forward in March.

SEE **SENATE** A15

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-cv-0278-TCK-PJC
)	
LINDSEY KENT SPRINGER, <i>et al.</i> ,)	
)	
Defendants.)	
)	

UNITED STATES' RESPONSE TO MOTION FOR CONFESSION OF JUDGMENT

Judgment was entered in this action against Lindsey K. Springer and in favor of the United States on March 16, 2010. The judgment was affirmed by the Tenth Circuit on June 23, 2011, and on or around June 4, 2012, the Supreme Court denied Springer's Petition for Writ of Certiorari. Springer filed a Motion to Void Judgment on November 27, 2013, and when the United States did not respond filed a Motion for Confession of Judgment on January 15.

Springer asks that the Court exercise its discretion under Local Rule 7.2(f) and void the judgment due to the Government's failure to respond to his November 27 motion. Good cause exists for the failure to respond. This case was litigated by Civil Central Trial Section, United States Department of Justice, Tax Division. Having completed litigation, the Section closed its files on the matter in July 2013 (about a year after the denial of Springer's certiorari petition). James Strong, one of the two attorneys who was assigned the case is no longer with the Justice Department. The other attorney, Robert Metcalfe, is no longer working in the Central Trial Section. Thus, no attorney assigned the matter in the Tax Division received ECF notice when Springer filed his Motion to Void Judgment. In the interest of justice, the United States requests that the Court excuse its failure to timely respond to the Motion to Void Judgment.

With respect to the merits of Springer's motion, Springer claims that the judgment should be deemed void because Thomas Scott Woodward was somehow not a legitimate United States Attorney during the period the various levels of federal courts were ruling against him. In June 2009, Woodward was the First Assistant U.S. Attorney for the Northern District of Oklahoma. When David O'Meilie resigned as the United States Attorney for the Northern District of Oklahoma on June 28, 2009, Woodward became acting United States Attorney pursuant to 5 U.S.C. § 3345(a)(1), which provides that if an officer of an Executive agency whose appointment is required to be made by the President, such as a U.S. Attorney, resigns, "the first assistant to the office of such officer shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346." Section 3346, Title 5, imposes a 210-day limit on persons serving in such capacity.¹

At the end of the 210-day period, on January 25, 2010, the Attorney General appointed Woodward as United States Attorney under 28 U.S.C. § 546(a).² There is a 120-day limit for persons appointed as a U.S. Attorney by the Attorney General. 28 U.S.C. § 546(c)(2). On May 25, 2010, at the end of the 120-day period, the Chief Judge of the Northern District of Oklahoma appointed Woodward United States Attorney in accordance with 28 U.S.C. § 546(d).³

¹ Filed herewith as Exhibit A to the Declaration of undersigned counsel, is a "Notification of Personnel Action" form that shows Woodward as being First Assistant United States Attorney at least as early as March 3, 2009.

² Filed herewith as Exhibit B is Woodward's "Appointment Affidavit" with respect to the January 25, 2010, appointment.

³ Filed herewith as Exhibit C is a copy of the "Order of Appointment" and "Appointment Affidavit" both signed on May 24, 2010, and made effective May 25, 2010.

Woodward remained U.S. Attorney until the present United States Attorney, Danny Williams, was confirmed by the Senate and took the oath of office in August 2012.

At all times while serving as the United States Attorney between June 28, 2009, and August 2012, Woodward was vested with the full powers and authority of a United States Attorney. *See, generally, United States v. Baldwin*, 541 F. Supp.2d 1184 (D.N.M. 2008) (detailed discussion of history and authority of non-Presidential appointed U.S. Attorneys). Congress put into place a statutory framework that allows the U.S. Attorney position to be filled in the absence of a person appointed by the President. *See* 5 U.S.C. § 3345 and 28 U.S.C § 546. That law was followed in the instant situation. Springer's argument to the contrary is unfounded and not a basis to void the judgment.

In any event, "[a]n infirmity in the United States' Attorney's appointment would not generally affect the jurisdiction of this court so long as a proper representative of the government participated in the action." *United States v. Gantt*, 194 F.3d 987, 998 (9th Cir. 1999); *United States v. Baker*, 504 F. Supp.2d 402, 407 (E.D. Ark. 2007) (government counsel defects do not affect jurisdiction). The chief attorneys representing the United States in this present action were Tax Division attorneys Metcalfe and Strong. Springer does not question their authority or the propriety of their appearances.

Springer's motion should be denied.

//

//

EXHIBIT 7 --- 3 OF 10

Respectfully submitted,

DANNY C. WILLIAMS
United States Attorney

/s/ Martin M. Shoemaker
MARTIN M. SHOEMAKER
U.S. Dept. of Justice, Tax Division
P.O. Box 7238
Washington, D.C. 20044
202-514-6491 (v)
202-514-6770 (f)
Martin.M.Shoemaker@tax.usdoj.gov

Certificate of Service

I hereby certify that on this 17th day of January 2014, I electronically filed the foregoing United States' Response to Motion for Confession of Judgment with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following: all counsel of record.

I further certify that on this 17th day of January 2014, I served the same document by U.S. Postal Service on the following non-CM/ECF participants:

Lindsey K. Springer
Reg. # 02580-063
Federal Satellite Low
P.O. Box 6000
Anthony, NM 88021

/s/ Martin M. Shoemaker

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-cv-0278-TCK-PJC
)	
LINDSEY KENT SPRINGER, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DECLARATION OF MARTIN M. SHOEMAKER

1. I am a trial attorney with the United States Department of Justice, Tax Division, CTS-Central Section, with an office in Washington, D.C. I am the attorney assigned to represent the United States in the above-captioned action.

2. Attached hereto as Exhibits A, B, and C are documents obtained from the United States Attorney's Office for the Northern District of Oklahoma to be used in this matter.

3. Exhibit A is a copy of a "Notification of Personnel Action" form pertaining to Thomas Scott Woodward. (Exhibit A has been redacted for privacy reasons.)

4. Exhibit B is a copy of an "Appointment Affidavit" signed on January 22, 2010, by Thomas Scott Woodward.

5. Exhibit C consists of two pages. The first page is a copy of the "Order of Appointment" issued by the United States District Court for the Northern District of Oklahoma filed May 24, 2010, in which Thomas Scott Woodward is appointed United States Attorney pursuant to 28 U.S.C. § 546(d). The second page is a copy of an "Appointment Affidavit" signed on May 25, 2010, by Thomas Scott Woodward.

//

EXHIBIT 7 --- 5 OF 10

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 17, 2014, in Washington, D.C.

/s/ Martin M. Shoemaker
MARTIN M. SHOEMAKER

Standard Form 50-B
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 298-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) WOODWARD, THOMAS SCOTT				2. Social Security Number - redacted - 5		3. Date of Birth - redacted - 9		4. Effective Date 10/05/09	
5-A. Code 769				5-B. Nature of Action EXT OF PROMOTION NTE 10/04/13		6-A. Code		6-B. Nature of Action	
5-C. Code ZLM				5-D. Legal Authority 28 USC 548		6-C. Code		6-D. Legal Authority	
5-E. Code				5-F. Legal Authority		6-E. Code		6-F. Legal Authority	
7. FROM: Position Title and Number				15. TO: Position Title and Number FIRST ASST U.S. ATTY 620001 P15AA1					
8. Pay Plan		9. Grade/Level		10. Step/Rate		11. Total Salary		12. Pay Basis	
AD		0905		7		00		J PA	
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		13. Pay Basis	
.00		.00		.00		.00		.00	
14. Name and Location of Position's Organization				22. Name and Location of Position's Organization OKLAHOMA, NORTHERN					
23. Veterans Preference				24. Tenure					
1 - None 2 - 5 Point 3 - 10 Point/Disability 4 - 10 Point/Compensable 5 - 10 Point/Other 6 - 10 Point/Compensable/30%				1 - None 2 - Permanent 3 - Conditional 4 - Indefinite					
25. Agency Use				26. Veterans Preference for RIF					
YES				X NO					
27. FEGLI				28. Annuitant Indicator					
CO BASIC				9 NOT APPLICABLE					
29. Retirement Plan				30. Work Schedule					
CS				F FULL TIME					
31. Service Comp Date (Leave)				32. Part-Time Hours Per Pay Period					
08/23/82				Biweekly					
33. Position Occupied				34. FLSA Category					
2				E - Exempt N - Nonexempt					
35. Appropriation Code				36. Bargaining Unit Status					
8888				37. Duty Station Code					
40-4780-143				38. Duty Station (City - County - State or Overseas Location)					
TULSA TULSA OK				39. Agency Data					
40. AGENCY DATA				41. SEX: M					
42. CITZ: 1				43. VET STAT: N					
44. ED LV: 15 YR: 82 INST PRG: 220101				45. Remarks					

EMPLOYEE HAS BEEN ADVISED THAT ASSIGNMENT TO A SUPERVISORY OR SENIOR LITIGATION COUNSEL POSITION IS TEMPORARY AND THAT ANY RIGHTS TO A HIGHER SUPERVISORY/SENIOR LITIGATION COUNSEL SALARY ACCRUE ONLY SO LONG AS HE/SHE IS AN INCUMBENT OF SUCH A POSITION.



EXHIBIT 7 --- 7 OF 10

46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/USA			50. Signature/Authentication and Title of Approving Official E/S BY: JEAN DUNN HUMAN RESOURCES OFFICER		
47. Agency Code DJ JA	48. Personnel Office ID 4244	49. Approval Date 10/02/09	51. Turn Over for Important Information 1 - Employee Copy - Keep for Future Reference		
TURN OVER FOR IMPORTANT INFORMATION 3-Part 50-315			Editions Prior to 7/91 Are Not Usable After 8/30/93 NSN 7540-01-333-6237		
DJ JA62000000000000000000			PP 20 1*2009*BATCH 42445812 000-00 207-08 AG/EO JA-4244		

APPOINTMENT AFFIDAVITS

United States Attorney
(Position to which Appointed)

1-25-2010
(Date Appointed)

Department of Justice
(Department or Agency)

(Bureau or Division)

Tulsa, Oklahoma
(Place of Employment)

I, Thomas Scott Woodward, do solemnly swear (or affirm) that—

A. OATH OF OFFICE

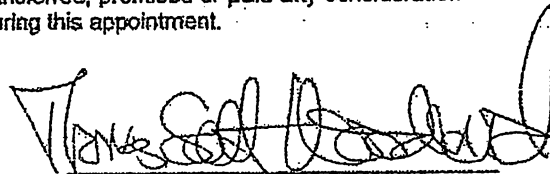
I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof; and I will not so participate while an employee of the Government of the United States or any agency thereof.

C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

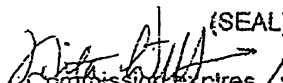

(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 22 day of January, 2010

at Tulsa
(City)

Oklahoma
(State)


(Signature of Officer)

 (SEAL)
Commission Expires 10/11/2011
(If by a Notary Public, the date of his/her Commission should be shown)

Administrative Officer
(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

EXHIBIT 7 --- 8 OF 10



Case 4:10-go-00001-CVE Document 4 Filed in USDC ND/OK on 05/24/2010 Page 1 of 1

FILED

MAY 24 2010

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

60-10-4

IN THE MATTER

OF APPOINTMENT

OF THOMAS SCOTT WOODWARD

AS UNITED STATES ATTORNEY

ORDER OF APPOINTMENT

Pursuant to Title 28, United States Code, Section 546(d), Thomas Scott Woodward is appointed as the United States Attorney for the Northern District of Oklahoma, effective May 25, 2010.

DONE AND ORDERED at Tulsa, Oklahoma, this ^{9th} 24 day of May, 2010.

For the Court:

Claire V. Eagan
The Honorable Claire V. Eagan
Chief Judge
Northern District of Oklahoma

United States District Court
Northern District of Oklahoma
I hereby certify that the foregoing
is a true copy of the original on file
in this court.

By Phil Lombardi, Clerk
Clerk



EXHIBIT 7 --- 9 OF 10

APPOINTMENT AFFIDAVITS

United States Attorney
(Position to which Appointed)

May 25, 2010
(Date Appointed)

Department of Justice
(Department or Agency)

U.S. Attorney's Office
(Bureau or Division)

Tulsa, Oklahoma
(Place of Employment)

I, Thomas Scott Woodward, do solemnly swear (or affirm) that--

A. OATH OF OFFICE

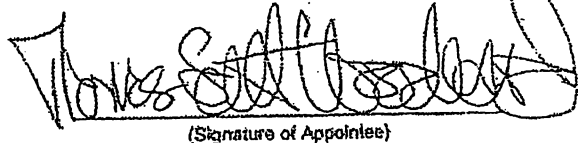
I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.


(Signature of Appointee)

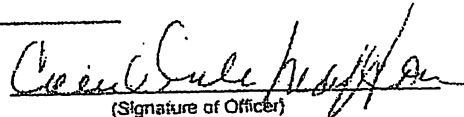
Subscribed and sworn (or affirmed) before me this 25th day of May, 2010

at Tulsa

(City)

Oklahoma

(State)


(Signature of Officer)

(SEAL)

Commission expires 5/25/11

(If by a Notary Public, the date of expiration of Commission should be shown)

Director of Administration

(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

EXHIBIT 7 --- 10 OF 10

To: Carmen M. Banerjee
Attn: Ms. Billie Willis
FOIA and PA Unit, Tax Division
U.S. Department of Justice
P.O. Box 227
Ben Franklin Station
Washington D.C., 20044

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Ms Billie Willis c/o Carmen M. Banerjee

On December 31, 2014, I mailed the enclosed Freedom of Information Act Request (FOIA) to:

Carmen M. Banerjee, Division Counsel for FOIA and PA Matters, P.O. Box 2272, Ben Franklin Station, Washington, D.C. 20044"

I received this name and address from Sean R. O'Neill, Chief of the Office of Administrative Appeals Staff in a letter dated January 29, 2014 involving Appeal No. AP-2014-04015. This FOIA Request was returned to me by the U.S. Post Office where the envelope has on a printed sticker dated January 20, 2015, the following:

02580-063
Carmen M Banerjee
Ben Franklin Station
PO BOX 2272
Washington, DC 20044
United States

NIXIE

200444183-1N

01/20/15

IN ACT REQUEST

RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD
RETURN TO SENDER

EXHIBIT 8 . --- 1 OF 3


J. Marrella

In a letter dated March 17, 2015, Ms. Carmen M. Banerjee sent me a certified letter involving 1 of my 14 FOIA Requests I sent her at the address shown above involving Attorney Jonathan S. Cohen. The number assigned to the Cohen FOIA request is 10841. The March 17, 2015 letter directs me to use the following address:

FOIA and PA Unit, Tax Division
U.S. Department of Justice
P.O. Box 227
Ben Franklin Station
Washington D.C. 20044

Please process my FOIA Request accompanying this letter. This letter accompanies the FOIA Request for John A. Marrella.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.


Declarant

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 25, 2015, I deposited the above letter and the accompanying FOIA Request dated December 31, 2014, naming John A. Marrella, in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to Ms. Banerjee, c/o Ms. Willis, at the address of FOIA and PA Unit, Tax Division, U.S. Department of Justice, Attn: Ms. Billie Willis, P.O. Box 227, Ben Franklin Station, Washington D.C. 20044.

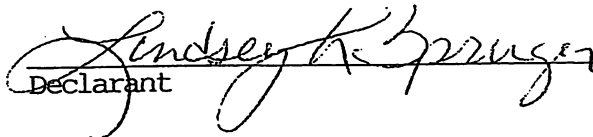

Declarant

EXHIBIT 8 --- 2 OF 3

To: Carmen M. Banerjee
Division Counsel for FOIA and PA Matters
P.O. Box 2272
Ben Franklin Station
Washington D.C. 20044

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Ms. Banerjee:

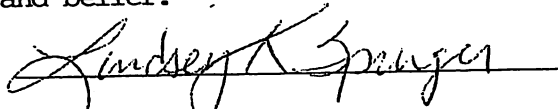
This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of John A. Marrella to represent the United States of America pursuant to 28 U.S.C. §§ 515, 516, 517 and 28 C.F.R. §§ 0.5(a), 0.5(b), 0.13(a), 0.13(b), 0.70(a), and 0.70(b).

The date or time period of this request is between January 1, 2008 through January 1, 2013.

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Deputy Assistant Attorney General".

My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on December 31, 2014 I deposited the above Freedom of Information Act request in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to Ms. Banerjee at the address listed above under her name.

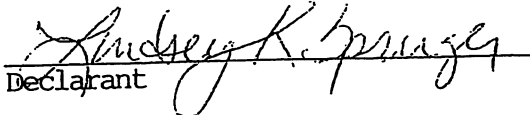

Declarant

EXHIBIT 8 --- 3 OF 3



U.S. Department of Justice

Tax Division

Civil Trial Section, Eastern Region
P.O. Box 227
Ben Franklin Station
Washington, D.C. 20044

Facsimile No. (202) 514-6866

July 17, 2015

CMB:SNWARD
FOIPA/TAX # 10871

Certified Mail No. 7011 3500 0003 2475 8176
RETURN RECEIPT REQUESTED

Mr. Lindsey Kent Springer Reg. #02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, NM 88021

Dear Mr. Springer:

This responds to your Freedom of Information Act request dated March 25, 2015. The Tax Division's Freedom of Information Act (FOIA) and Privacy Act (PA) Unit received your request on April 1, 2015; it was perfected on April 1, 2015.

We understand from your request that you seek records pertaining to or showing the authorization and/or appointment of John A. Marrella, Title of Deputy Assistant Attorney General.

Based on the information you provided, we nonetheless conducted a search, but could locate no responsive records.

To the extent you are seeking United States Attorney's documents, we suggest that you send a request to:

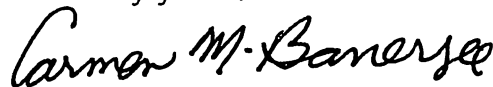
Susan B. Gerson, Acting Assistant Director
FOIA/Privacy Unit
Executive Office for United States Attorneys

Lindsey Kent Springer
FOIPA/TAX # 10871
Certified Mail No. 7011 3500 0003 2475 8176

Department of Justice
Room 7300, 600 E Street, N.W.
Washington, DC 20530-0001
Phone: (202) 252-6020
Email: USAEO.FOIA.Requests@usdoj.gov

In the event you wish to appeal this determination, you may write to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Avenue N.W., Suite 11050, Washington, D.C. 20530-0001 within sixty (60) days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Thereafter, judicial review of the final determination will be available in the District Court of the United States located in the district in which you reside, where you have your principal place of business, in which the agency records are located, or in the District of Columbia.¹

Sincerely yours,



Carmen M. Banerjee
Division Counsel
for FOIA and PA Matters

¹For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

To: Office of Information Policy
U.S. Department of Justice
1425 New York Avenue, Suite 11050,
Washington, D.C. 20530-0001

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Re: FOIAPA/TAX # 10871

"Freedom of Information Act Appeal"

This is my formal "Freedom of Information Act Appeal" of the July 17, 2015 response to my FOIA requested dated March 25, 2015.

In my FOIA request I sought all documentation pertaining to or showing John A. Marrella's appointment as a "Deputy Assistant Attorney General" between January 1, 2008 and January 1, 2013. The specific statutes I identified in my FOIA request are 28 U.S.C. §§ 515, 516, 517, and 28 CFR §§ 0.5, 0.13, and 0.70. I have attached to this appeal my March 25, 2015 FOIA request, that was originally sent on December 31, 2014 as Exhibit 1.

Ms. Banerjee's response finds no responsive records showing Mr. Marrella's authorization or appointment to the office of "Deputy Assistant Attorney General." I have attached to this appeal Ms. Banerjee's July 17, 2015 response as Exhibit 2.

Mr. Marrella was claimed by Charles A. O'Reilly and United States Attorney Danny C. Williams, Sr., to have authorized Mr. O'Reilly pursuant to 28 U.S.C. § 515(a) and 28 CFR § 0.13(b), to represent the United States of America by letter dated December 23, 2008. I have attached a copy of Mr. Williams' statement on October 24, 2013, as Exhibit 3.

I am looking for the actual instrument of appointment from the Attorney General to Mr. Marrella.

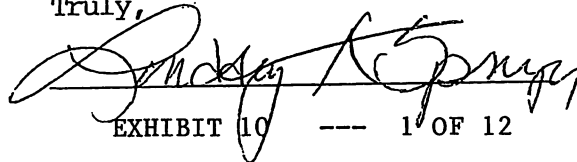
Although Ms. Banerjee directs me to the Executive Office of United States Attorneys, any appointment by the Attorney General to Mr. Marrella would be kept in the office of the Attorney General. Under 28 CFR § 16.3 my FOIA request is to be forwarded to the place that most likely possesses the records I seek.

If an Attorney General makes an appointment it is the Attorney General that would keep such record.

Please overrule Ms. Banerjee's response, find she construed my FOIA request too narrowly, and direct the FOIA request to be forwarded to the Attorney General for the production of all instruments of appointment naming Mr. Marrella by the Attorney General to the office of Deputy Assistant Attorney General.

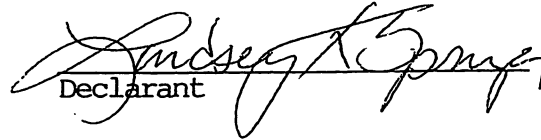
Please provide Mr. Marrella's appointment records from the Attorney General to the office of Deputy Assistant Attorney General.

9/11/15
Date

Truly,

EXHIBIT 10 --- 1 OF 12

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on September 11 2015, I deposited the above 2 page FOIA Appeal on # 10871, and the three Exhibits to the Director in the U.S. Mailbox located inside FSL La Tuna to the address for the Director listed above.


Declarant

To: Carmen M. Banerjee
Attn: Ms. Billie Willis
FOIA and PA Unit, Tax Division
U.S. Department of Justice
P.O. Box 227
Ben Franklin Station
Washington D.C., 20044

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Ms Billie Willis c/o Carmen M. Banerjee

On December 31, 2014, I mailed the enclosed Freedom of Information Act Request (FOIA) to:

Carmen M. Banerjee, Division Counsel for FOIA and PA Matters, P.O. Box 2272, Ben Franklin Station, Washington, D.C. 20044"

I received this name and address from Sean R. O'Neill, Chief of the Office of Administrative Appeals Staff in a letter dated January 29, 2014 involving Appeal No. AP-2014-04015. This FOIA Request was returned to me by the U.S. Post Office where the envelope has on a printed sticker dated January 20, 2015, the following:

02580-063

Carmen M Banerjee
Ben Franklin Station
PO BOX 2272
Washington, DC 20044
United States

NIXIE

200444183-1N

01/20/15

IN ACT REQUEST

RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD
RETURN TO SENDER

EXHIBIT 1 - 1 of 3

EXHIBIT 10, --- 3 OF 12

1 of 2

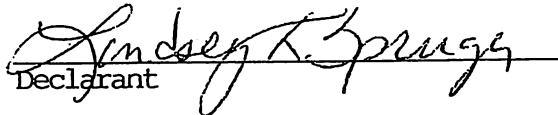
J. Marrella

In a letter dated March 17, 2015, Ms. Carmen M. Banerjee sent me a certified letter involving 1 of my 14 FOIA Requests I sent her at the address shown above involving Attorney Jonathan S. Cohen. The number assigned to the Cohen FOIA request is 10841. The March 17, 2015 letter directs me to use the following address:

FOIA and PA Unit, Tax Division
U.S. Department of Justice
P.O. Box 227
Ben Franklin Station
Washington D.C. 20044

Please process my FOIA Request accompanying this letter. This letter accompanies the FOIA Request for John A. Marrella.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.


Declarant

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 25, 2015, I deposited the above letter and the accompanying FOIA Request dated December 31, 2014, naming John A. Marrella, in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to Ms. Banerjee, c/o Ms. Willis, at the address of FOIA and PA Unit, Tax Division, U.S. Department of Justice, Attn: Ms. Billie Willis, P.O. Box 227, Ben Franklin Station, Washington D.C. 20044.

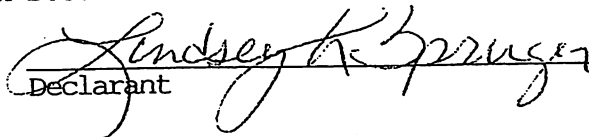

Declarant

EXHIBIT 10. --- 4 OF 12

EXHIBIT 1 - 2 of 3

To: Carmen M. Banerjee
Division Counsel for FOIA and PA Matters
P.O. Box 2272
Ben Franklin Station
Washington D.C. 20044

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Ms. Banerjee:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of John A. Marrella to represent the United States of America pursuant to 28 U.S.C. §§ 515, 516, 517 and 28 C.F.R. §§ 0.5(a), 0.5(b), 0.13(a), 0.13(b), 0.70(a), and 0.70(b).

The date or time period of this request is between January 1, 2008 through January 1, 2013.

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Deputy Assistant Attorney General".

My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on December 31, 2014 I deposited the above Freedom of Information Act request in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to Ms. Banerjee at the address listed above under her name.

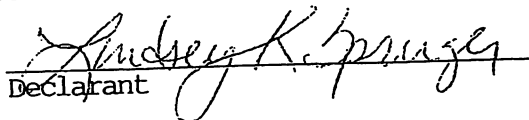

Declarant

EXHIBIT 1 - 3 of 3

EXHIBIT 10 --- 5 OF 12



U.S. Department of Justice

Tax Division

*Civil Trial Section, Eastern Region
P.O. Box 227
Ben Franklin Station
Washington, D.C. 20044*

Facsimile No. (202) 514-6866

July 17, 2015

CMB:SNWARD
FOIPA/TAX # 10871

Certified Mail No. 7011 3500 0003 2475 8176
RETURN RECEIPT REQUESTED

Mr. Lindsey Kent Springer Reg. #02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, NM 88021

Dear Mr. Springer:

This responds to your Freedom of Information Act request dated March 25, 2015. The Tax Division's Freedom of Information Act (FOIA) and Privacy Act (PA) Unit received your request on April 1, 2015; it was perfected on April 1, 2015.

We understand from your request that you seek records pertaining to or showing the authorization and/or appointment of John A. Marrella, Title of Deputy Assistant Attorney General.

Based on the information you provided, we nonetheless conducted a search, but could locate no responsive records.

To the extent you are seeking United States Attorney's documents, we suggest that you send a request to:

Susan B. Gerson, Acting Assistant Director
FOIA/Privacy Unit
Executive Office for United States Attorneys

Lindsey Kent Springer
FOIPA/TAX # 10871
Certified Mail No. 7011 3500 0003 2475 8176

Department of Justice
Room 7300, 600 E Street, N.W.
Washington, DC 20530-0001
Phone: (202) 252-6020
Email: USAEO.FOIA.Requests@usdoj.gov

In the event you wish to appeal this determination, you may write to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Avenue N.W., Suite 11050, Washington, D.C. 20530-0001 within sixty (60) days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Thereafter, judicial review of the final determination will be available in the District Court of the United States located in the district in which you reside, where you have your principal place of business, in which the agency records are located, or in the District of Columbia.¹

Sincerely yours,



Carmen M. Banerjee
Division Counsel
for FOIA and PA Matters

¹For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff/Respondent)	
)	
v.)	Case No. 09-CR-043-SPF
)	
LINDSEY KENT SPRINGER,)	
)	
Defendant/Movant.)	

UNITED STATES' RESPONSE IN OPPOSITION TO MR. SPRINGER'S
MOTION TO STRIKE (DOCKET NUMBER 522)

The United States of America, by and through its attorneys, Danny C. Williams, Sr., United States Attorney for the Northern District of Oklahoma, and Jeffrey Gallant, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby responds in opposition to Mr. Springer's fifteen-page Motion to Strike (Doc. No. 522). The pleading Mr. Springer seeks to have stricken, the United States' Preliminary Response Regarding Lindsey Springer's Motion for Relief Under 28 U.S.C. §2255 (Doc. Nos. 472 - 475) Concisely Listing Those Grounds For Relief That Should Be Stricken or Dismissed, is signed by an authorized representative of the United

EXHIBIT 3 - 1 of 5

EXHIBIT 10 --- 8 OF 12

States and complies with the Court's March 15, 2013 Order directing the United States to file a preliminary response (Doc. No. 478).

With respect to the above-captioned case, the undersigned represented the United States of America during the grand jury investigation, at trial, and during Mr. Springer's appeal from his conviction. Pursuant to Title 28, United States Code Section 515(a) and Title 28, Code of Federal Regulations Section 0.13(a), Deputy Assistant Attorney General John A. Marrella of the United States Department of Justice, Tax Division authorized the undersigned to represent the United States with respect to this investigation and prosecution by letter dated December 23, 2008.

By letter dated January 5, 2009, United States Attorney David E. O'Meilia appointed the undersigned as a Special Assistant United States Attorney for the Northern District of Oklahoma. The United States Attorneys for the Northern District of Oklahoma have extended the undersigned's appointment as a Special Assistant United States Attorney by letters dated January 4, 2010, January 4, 2011, January 10, 2012, and most recently by United States Attorney Danny C. Williams, Sr. in a letter dated December 19, 2012. Mr. Springer's rhetoric does not change the fact that the undersigned has been and remains authorized to represent the United States of America.

Mr. Springer's claim that the Government's Preliminary Response (Doc. No. 518) does not comply with the Court's March 15, 2013 Order (Doc. No. 478) is simply wrong. Mr. Springer states "First, Doc 518 is clearly not signed by an authorized representative

EXHIBIT 3 - 2 of 5

EXHIBIT 10 --- 9 OF 12

of the Government . . . according to any Federal Statute or the Constitution . . .” As addressed above, this assertion is incorrect.

Mr. Springer next claims that “Doc 518 is not in compliance with Judge Friot’s directive dated March 15, 2013 . . . [and that the United States’ response is] “unresponsive and confusing.” Mr. Springer’s Motion to Strike (Doc. No. 522) at 14. Again, Mr. Springer is in error. In the order dated March 15, 2013, the Court noted that in 271 pages of material Mr. Springer asserted 76 separate grounds for relief, many of which “would appear to have been previously litigated and adjudicated in the underlying criminal proceedings, or which could have been asserted in those proceedings.” Consistent with the Court’s direction, the United States summarized Mr. Springer’s voluminous submissions in a ten page responsive pleading sorting Mr. Springer’s 76 grounds for relief into twenty different issue categories, with a 53-page attachment identifying specifically where Mr. Springer’s asserted 76 separate grounds for relief had, or had, not been raised in the underlying proceedings.¹ The United States’ submission concisely lists, with supporting record citations, those grounds for relief that should be stricken or dismissed because they are procedurally barred.

¹ In his Motion to Strike, Mr. Springer asserts that he “has received no attachments . . .” Doc. No. 522 at 13. As indicated in the Certificate of Service, on September 9, 2013, the United States mailed both the preliminary response and the attachment to Mr. Springer at the Federal Correctional Institution in Big Spring, Texas. Nevertheless, on October 9, 2013, the United States resent copies of both the preliminary response and attachment, this time to Mr. Springer at the Federal Correctional Institution in El Reno, Oklahoma.

For the reasons stated above, the United States respectfully requests that the Court deny Mr. Springer's Motion to Strike (Doc. No. 522).

DATED: 24 October 2013

Respectfully submitted,

DANNY C. WILLIAMS, SR.
UNITED STATES ATTORNEY

/s/ Charles A. O'Reilly
CHARLES A. O'REILLY, CBA NO. 160980
Special Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2700

EXHIBIT 3 - 4 of 5

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October 2013, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing, and also served the foregoing document by United States Postal Mail, to:

Lindsey Kent Springer
Defendant
FCI El Reno
Federal Correctional Institution
P.O. Box 1500
El Reno, OK 73036
Inmate Number 02580-063.

/s/ Charles A. O'Reilly
Charles A. O'Reilly
Special Assistant United States Attorney



EXHIBIT 3 - 5 of 5



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

March 16, 2016

Mr. Lindsey K. Springer
Register No. 02580-063
Federal Correctional Institution
Post Office Box 6000
Anthony, NM 88021

Re: Appeal No. AP-2016-00059
Request No. 10871
SRO:ADF

VIA: U.S. Mail

Dear Mr. Springer:

You appealed from the action of the Tax Division of the United States Department of Justice on your Freedom of Information Act request for access to the appointment affidavit of John Marrella to the position of Deputy Assistant Attorney General.

After carefully considering your appeal, I am affirming the Tax Division's action on your request. The Tax Division informed you that it could locate no responsive records subject to the FOIA in its files. I have determined that the Tax Division's action was correct and that it conducted an adequate, reasonable search for such records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the Tax Division in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. EXHIBIT 11 --- 1 OF 1

Sincerely,

3/14/2016

X A rectangular box containing a large "X" and a handwritten signature that appears to read "Sean O'Neill".

Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: SEAN O'NEILL



U.S. Department of Justice

Tax Division

Washington, D.C. 20533

May 6, 2015

CMB:BWILLIS
FOIPA/TAX # 10867

Certified Mail No. 7011 3500 0003 2475 8039
RETURN RECEIPT REQUESTED

Mr. Lindsey Kent Springer
Reg. #02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, MN 88021

Dear Mr. Springer:

This responds to your Freedom of Information Act request dated March 25, 2015. The Tax Division's Freedom of Information Act (FOIA) and Privacy Act (PA) Unit received your request on April 1, 2015; it was perfected on April 1, 2015.

We understand from your request that you seek information about:

- ☐ yourself.
- ☐ a third party taxpayer (individual).
- ☐ a third party taxpayer (entity).
- ☐ the Division's policies or procedures.
- ☒ other. Tamara W. Ashford

The Tax Division has determined that two pages from its records are responsive to your request as follows:

1. Designation of Ms. Ashford as Principal Deputy Assisted General (DAAG) by the Attorney General
2. A Division announcement informing that Ms. Ashford, Principal DAAG, became Acting AAG when Kathy Keneally

Lindsey Kent Springer
FOIPA/TAX # 10867
Certified Mail No. 7011 3500 0003 2475 8039

resigned. There is no specific appointment of her to the position of Acting.

In the event you wish to appeal this determination, you may write to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Avenue N.W., Suite 11050, Washington, D.C. 20530-0001 within sixty (60) days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Thereafter, judicial review of the final determination will be available in the District Court of the United States located in the district in which you reside, where you have your principal place of business, in which the agency records are located, or in the District of Columbia.¹

Sincerely yours,



Carmen M. Banerjee
Division Counsel
for FOIA and PA Matters

Enclosures (2)

¹For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.



Office of the Attorney General
Washington, D. C. 20530

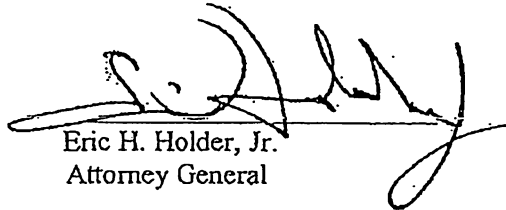
ORDER NO. 3366-2013

DESIGNATION OF TAMARA W. ASHFORD AS PRINCIPAL DEPUTY ASSISTANT
ATTORNEY GENERAL FOR THE TAX DIVISION.

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. §§ 509,
510, I hereby designate Tamara W. Ashford to be Principal Deputy Assistant Attorney General
for the Tax Division.

March 4, 2013

Date


Eric H. Holder, Jr.
Attorney General

From: Howard, Nancy M. (TAX) **On Behalf Of** Division Information (Tax)

Sent: Thursday, June 05, 2014 5:35 PM

To: DL-TAX-ALL

Subject: Tamara W. Ashford is the Acting Assistant Attorney General for Tax effective June 6, 2014

To: Everyone in Tax

Re: Acting Assistant Attorney General

Effective June 6, 2014, Tamara W. Ashford will serve as the Acting Assistant Attorney General of the Tax Division, following the resignation of Assistant Attorney General Kathryn Keneally on June 5, 2014. Ms. Ashford was designated the Principal Deputy Assistant Attorney General on March 7, 2013, and will assume the role of Acting Assistant Attorney General consistent with the Vacancies Reform Act.

Please note that, where appropriate, the signature block for Tax Division motions, briefs, letters and other official documents should be changed effective June 6, 2014 to read:

Tamara W. Ashford,
Acting Assistant Attorney General

To: Carmen M. Banerjee
Attn: Ms. Billie Willis
FOIA and PA Unit, Tax Division
U.S. Department of Justice
P.O. Box 227
Ben Franklin Station
Washington D.C., 20044

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Ms Billie Willis c/o Carmen M. Banerjee

On January 2, 2015, I mailed the enclosed Freedom of Information Act Request (FOIA) to:

Carmen M. Banerjee, Division Counsel for FOIA and PA Matters, P.O. Box 2272, Ben Franklin Station, Washington, D.C. 20044"

I received this name and address from Sean R. O'Neill, Chief of the Office of Administrative Appeals Staff in a letter dated January 29, 2014 involving Appeal No. AP-2014-04015. This FOIA Request was returned to me by the U.S. Post Office where the envelope has on a printed sticker dated January 20, 2015, the following:

02580-063
Carmen M Banerjee
Ben Franklin Station
PO BOX 2272
Washington, DC 20044
United States

NIXIE

200444183-1N

01/20/15

IN ACT REQUEST

RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD
RETURN TO SENDER

In a letter dated March 17, 2015, Ms. Carmen M. Banerjee sent me a certified letter involving 1 of my 14 FOIA Requests I sent her at the address shown above involving Attorney Jonathan S. Cohen. The number assigned to the Cohen FOIA request is 10841. The March 17, 2015 letter directs me to use the following address:

FOIA and PA Unit, Tax Division
U.S. Department of Justice
P.O. Box 227
Ben Franklin Station
Washington D.C. 20044

Please process my FOIA Request accompanying this letter. This letter accompanies the FOIA Request for Charles A. O'Reilly.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.

Lindsey K. Spruyn
Declarant

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 25, 2015, I deposited the above letter and the accompanying FOIA Request dated January 2, 2015, naming Charles A. O'Reilly, in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to Ms. Banerjee, c/o Ms. Willis, at the address of FOIA and PA Unit, Tax Division, U.S. Department of Justice, Attn: Ms. Billie Willis, P.O. Box 227, Ben Franklin Station, Washington D.C. 20044.

Lindsey K. Spruyn
Declarant

To: Carmen M. Banerjee
Division Counsel for FOIA and PA Matters
P.O. Box 2272
Ben Franklin Station
Washington D.C. 20044

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Ms. Banerjee:

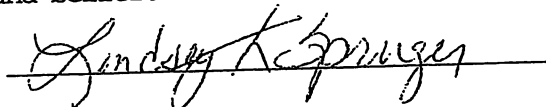
This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Charles A. O'Reilly to represent the United States of America pursuant to 28 U.S.C. §§ 515, 543 and 28 C.F.R. §§ 0.5(a), 0.5(b), 0.13(a), 0.13(b), and 0.70(a) and 0.70(b).

The date or time period of this request is between December 1, 2008 through January 1, 2015.

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Trial Attorney" and "Special Assistant United States Attorney."

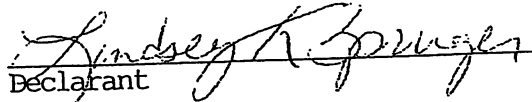
My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on January 2, 2015 I deposited the above Freedom of Information Act request in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to Ms. Banerjee at the address listed above under her name.


Declarant



U.S. Department of Justice

Tax Division

Washington, D.C. 20533

July 21, 2015

CMB:SNWARD
FOIPA/TAX # 10875

Certified Mail No. 7011 3500 0003 2475 8169
RETURN RECEIPT REQUESTED

Mr. Lindsey Kent Springer
Reg. #02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, NM 88021

Dear Mr. Springer:

This responds to your Freedom of Information Act request dated March 25, 2015. The Tax Division's Freedom of Information Act (FOIA) and Privacy Act (PA) Unit received your request on April 1, 2015; it was perfected on April 1, 2015.

We understand from your request that you seek information about:

- ☐ yourself.
- ☐ a third party taxpayer (individual).
- ☐ a third party taxpayer (entity).
- ☐ the Division's policies or procedures.
- ☒ other. Any documentation pertaining to or showing the authorization and/or appointment of Charles A. O'Reilly, from December 1, 2008 through January 1, 2015.

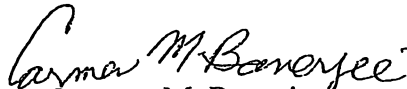
The Tax Division has determined that 2 page is from its records is responsive to your request. It is released in full and enclosed with this letter.

If you are not satisfied with my response to your request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington,

Lindsey Kent Springer
FOIPA/TAX # 10875
Certified Mail No. 7011 3500 0003 2475 8169

DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be postmarked or transmitted electronically within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Thereafter, judicial review of the final determination will be available in the District Court of the United States located in the district in which you reside, where you have your principal place of business, in which the agency records are located, or in the District of Columbia.¹

Sincerely yours,


Carmen M. Banerjee
Division Counsel
for FOIA and PA Matters

Enclosures (2)

¹For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

STANDARD FORM 61
REVISED SEPTEMBER 1970
U.S. CIVIL SERVICE COMMISSION
F.P.M. CHAPTER 295
61-107

OMB APPROVAL NO. 50-R0110

APPOINTMENT AFFIDAVITS

Law Clerk

(Position to which appointed)

¹⁵
November 16, 1992

(Date of appointment)

U.S. Dept. of Justice

(Department or agency)

Tax Division

(Bureau or division)

Washington, DC

(Place of employment)

I, Charles A. O'Reilly, do solemnly swear (or affirm) that—

A. OATH OF OFFICE

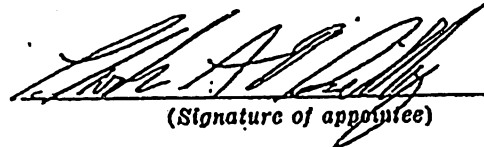
I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

C. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

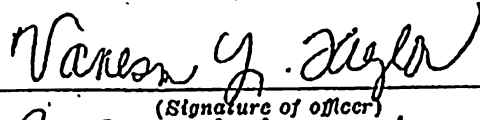

(Signature of appointee)

Subscribed and sworn (or affirmed) before me this 16th day of November A.D. 1992,

at Washington
(City)

DC
(State)

[SEAL]


(Signature of officer)

Personnel Assistant
(Title)

Commission expires _____
(If by a Notary Public, the date of expiration
of his Commission should be shown)

NOTE.—The oath of office must be administered by a person specified in 5 U.S.C. 2903. The words "So help me God" in the oath and the word "swear" wherever it appears above should be stricken out when the appointee elects to affirm rather than swear to the affidavits; only these words may be stricken and only when the appointee elects to affirm the affidavits.

EXHIBIT 14 --- 3 OF 4

★ U.S.GPO:1979-0-281-187/4238

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) REILLY, CHARLES A		2. Social Security Number [REDACTED]		3. Date of Birth [REDACTED]		4. Effective Date 05/02/93	
5. FIRST ACTION 5-A. Code 570				6. SECOND ACTION 6-A. Code CONV TO EXC APPT			
5-B. Nature of Action SCH A 213-31020				6-B. Nature of Action			
5-C. Code WDM				6-C. Code			
5-D. Legal Authority				6-D. Legal Authority			
5-E. Code				6-E. Code			
5-F. Legal Authority				6-F. Legal Authority			
7. FROM: Position Title and Number				15. TO: Position Title and Number TRIAL ATTY (TAX) TAX00007 TAX164			
8. Pay Plan	9. Occ. Code	10. Grade/Level	11. Step/Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code
						GS	0905
18. Grade/Level	19. Step/Rate	20. Total Salary/Amount	21. Pay Basis				
			PA				
12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	18A. Basic Pay	18B. Locality Adj.	18C. Adj. Basic Pay	18D. Other Pay
14. Name and Location of Position's Organization				22. Name and Location of Position's Organization TAX DIVISION CRIMINAL SECTION NORTHERN REGION			
23. Veterans Preference				24. Tenure		25. Agency Use	
1 - None 2 - 5 Point 3 - 10 Point/Disability 4 - 10 Point/Compensable 5 - 10 Point/Other 6 - 10 Point/Compensable/20%				1 - None 2 - Conditional 3 - Indefinite 4 - Permanent		26. Veterans Preference for RIF YES NO	
27. FEGLI C BASIC				28. Annuity Indicator 9 NOT APPLICABLE		29. Pay Rate Determinant 0	
30. Retirement Plan K FERS				31. Service Comp. Date (Leave) 09/14/92		32. Work Schedule F FULL TIME	
33. Position Occupied 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved				34. FLSA Category E E-Exempt N Nonmanagement		35. Appropriation Code	
36. Duty Station Code 11-0010-001				37. Duty Station (City - County - State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC		38. Bargaining Unit Status 8888	
40. AGENCY DATA		41. SEX: M	42. CITIZ: I	43. VET STAT: X	44. EO LV: 15 YR: 92 ACAD DISCIPL: 0100		
45. Remarks							

EXHIBIT 14 --- 4 OF 4

46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/HC			47. Signature/Authentication and Date of Approving Official PERSONNEL STAFF	
47. Agency Code OJ HC	48. Personnel Office ID 1831	49. Approval Date 06/02/93		
5-Part 50-916				
43 - Payroll Copy				
Editions Prior to 7/01 Are Not Usable After 6/30/96 NSN 7540-01-339-0231				
OJ HC1906020000000000 PP 10 1*1993*8ATCH 18315571 000-00 466-04 AG/EG HC-1831				

To: Danny C. Williams, Sr.
United States Attorney Office
110 West 7th St., Suite 300
Tulsa, Oklahoma 74119-1013

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Mr. Williams:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Charles A. O'Reilly to represent the United States of America pursuant to 28 U.S.C. §§ 542, 543, and 547(1)

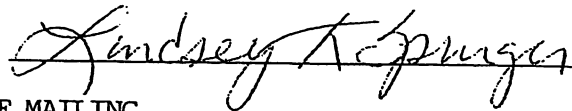
The dates or time period of this request is between December 1, 2008 through January 1, 2015

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Trial Attorney," and "Special Assistant United States Attorney"

My request is also limited to such authorization and/or appointment of Charles A. O'Reilly in and for the Northern District of Oklahoma.

My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on December 31, 2014 I deposited the above Freedom of Information Act request in the U.S. Mailbox inside Federal Satellite Low-La Tuna Federal Prison to Mr. Williams and his Office at the address listed above under his name.

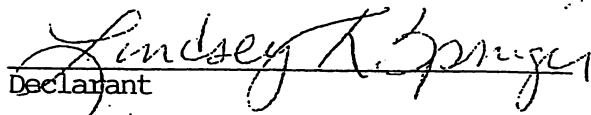

Declarant

EXHIBIT 15 --- 1 OF 1



U.S. Department of Justice
DANNY C. WILLIAMS, SR.
United States Attorney
Northern District of Oklahoma

Cathryn D. McClanahan
Assistant United States Attorney

110 West 7th Street, Suite 300
Tulsa, Oklahoma 74119-1013
cathy.mcclanahan@usdoj.gov

(918) 382-2700
Fax (918) 560-7938

January 8, 2015

Lindsey Kent Springer
Reg. No. 02580-063
Federal Satellite Low-La Tuna Federal Prison
P.O. Box 6000
Anthony, NM 88021

Re: Freedom of Information Act Requests

Dear Mr. Springer:

Our office has received your seven letters dated December 31, 2014, and January 2, 2015. Since federal regulation 28 C.F.R. § 16.3 requires all U.S. Attorney's Offices to forward FOIA requests to the FOIA Unit in Washington, D.C., your requests have been sent to the Freedom of Information Act Unit, Executive Office for the United States Attorneys in Washington, D.C. That office coordinates the processing of all FOIA requests for the United States Attorney's Offices and will respond directly to you regarding your request.

In the future, please direct any additional FOIA matters to the FOIA Unit in Washington D.C. as this will accelerate the processing of your requests.

The address for the FOIA Unit in Washington, D.C. is as follows:

Freedom of Information/Privacy Act Unit
Executive Office for United States Attorneys
600 E Street, N.W., Room 7300
Washington, D.C. 20530

If you have any questions regarding this matter, please direct your inquiry to the FOIA Unit in Washington, D.C.

Sincerely,

DANNY C. WILLIAMS, SR.
United States Attorney

A handwritten signature in black ink, appearing to read 'C. McClanahan', with a long horizontal flourish extending to the right.

CATHRYN D. McCLANAHAN
Assistant United States Attorney

EXHIBIT 16 --- 2 OF 2



Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W.
Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao/)

July 23, 2015

Lindsey Springer
#02580-063
FSL, P.O. Box 6000
Anthony, New Mexico 88021

Re: Request Number: FOIA-2015-01085

Date of Receipt: January 9, 2015

Subject of Request: AUSA Appointments - USAO Northern District of Oklahoma

IN LITIGATION

Dear Ms. Springer:

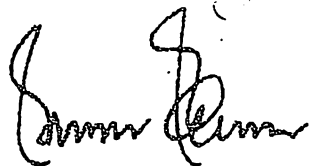
Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Office. To provide you with the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

All of the records you seek are being made available to you. We have processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a full release of 2 pages.

Please note. There were no records located for Charles A. O'Reilly, Robert Metcalf, James Strong, or Kenneth Snoke because they are either no longer employees or were never employed by EOUSA. Therefore, EOUSA does not have copies of their official personnel file.

[X] See additional information on next page.

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, Washington, DC 20530-0001, or you may submit an appeal through this Office's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."



Susan B. Gerson
Assistant Director

Enclosure(s)

Form No. 0021A-nofee - 4/11

EXHIBIT 17 --- 2 OF 4

APPOINTMENT AFFIDAVITS

m-74

Assistant United States Attorney
(Position to which Appointed)

November 12, 2006
(Date Appointed)

Department of Justice
(Department or Agency)

U.S. Attorney's Office, NDOK
(Bureau or Division)

Tulsa, Oklahoma
(Place of Employment)

FILED

NOV 17 2006

PH. Lombardi, Clerk
U.S. DISTRICT COURT

I, Jeffrey Andrew Gallant, do solemnly swear (or affirm) that—

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

(B)(6)



(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 17th day of November, 2006

at Tulsa
(City)

Oklahoma
(State)

(SEAL)

Chaine V. Egan
(Signature of Officer)

Commission expires _____
(If by a Notary Public, the date of his/her Commission should be shown)

Chief United States District Judge
(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

EXHIBIT 17 --- 3 OF 4

APPOINTMENT AFFIDAVITS

United States Attorney
(Position to which Appointed)

May 25, 2010
(Date Appointed)

Department of Justice
(Department or Agency)

U.S. Attorney's Office
(Bureau or Division)

Tulsa, Oklahoma
(Place of Employment)

I, Thomas Scott Woodward, do solemnly swear (or affirm) that--

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

(B)(6)

(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 25th day of May, 2010

at Tulsa
(City)

Oklahoma
(State)

[Signature]
(Signature of Officer)

(SEAL)

Commission expires 10/1/11
(If by a Notary Public, the date of his/her Commission should be shown)

Director of Administration
(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

EXHIBIT 17 --- 4 OF 4



U.S. Department of Justice
Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W.
Suite 7300, Bicentennial Building
Washington, DC 20530-0001

(202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao)

July 29, 2015

Lindsey Springer
#02580-063
FSL, P.O. Box 6000

Anthony, New Mexico 88021

Re: Request Number: FOIA-2015-01085

Date of Receipt: January 9, 2015

Subject of Request: AUSA Appointments - USAO Northern District of Oklahoma

IN LITIGATION

Dear Ms. Springer:

Your request for records under the Freedom of Information Act was received some months ago.

This letter constitutes a supplemental reply from the Executive Office for United States Attorneys, the official record keeper for all records located in this office and the various United States Attorney's offices. One page is being released in part pursuant to exemption b(6) of the Freedom of Information Act.

Sincerely,

Susan B. Gerson
Assistant Director

Enclosure(s)

Form No. 0021B - 4/11

APPOINTMENT AFFIDAVITS

SPECIAL ASSISTANT UNITED STATES ATTORNEY
(Position to which Appointed)

01/05/2009
(Date Appointed)

DEPT. OF JUSTICE
(Department or Agency)

USAO/ND-OK
(Bureau or Division)

TULSA, OKLAHOMA
(Place of Employment)

I, CHARLES ANTHONY O'REILLY, do solemnly swear (or affirm) that--

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

(B)(6)

(Signature of Appointee)

Subscribed and sworn (or affirmed) before me, this 5th day of JANUARY, 2009

at TULSA
(City)

OKLAHOMA
(State)

(SEAL)

(Signature of Officer)

Commission expires _____
(If by a Notary Public, the date of his/her Commission should be shown)

Administrative Services Specialist
(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

EXHIBIT 18 --- 2 OF 3

EXPLANATION OF EXEMPTIONS

FOIA: TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

PRIVACY ACT: TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

(1) LINDSEY KENT SPRINGER,)
)
 Plaintiff,)
)
 vs.) Case No. 15-CV-142-JED-FHM
)
 (1) UNITED STATES ATTORNEY FOR)
 THE NORTHERN DISTRICT OF)
 OKLAHOMA, Danny C. Williams, Sr.,)
 Officially;)
 (2) UNITED STATES DEP'T OF JUSTICE,)
 Eric D. Holder, Jr., Officially;)
 (3) EXECUTIVE OFFICE OF UNITED)
 STATES ATTORNEYS, Susan B.)
 Gerson, Officially;)
 (4) OFFICE OF INFORMATION POLICY,)
 Sean R. O'Neill, Officially;)
 (5) DIVISION COUNSEL FOR FOIA AND)
 PA MATTERS, Carmen M. Banerjee,)
 Officially,)
)
 Defendants.)

DECLARATION OF LINDA M. RICHARDSON

I, Linda M. Richardson, declare as follows:

1. I am currently an Administrative Services Assistant for the Department of Justice, Executive Office of U.S. Attorneys.

2. In this capacity, I serve as a liaison to the FOIA/PA staff for the Executive Office for United States Attorneys ("EOUSA") located in Washington, D.C. EOUSA FOIA/PA staff, in accordance with 28 C.F.R. § 16.3, processes and responds to FOIA/PA requests for all 94 United States Attorney's Offices ("USAO").

3. My duties include receiving and reviewing requests made pursuant to FOIA, 5 U.S.C. § 552, and the PA, 5 U.S.C. § 552a, for records maintained by or located in the Electronic

EXHIBIT 19 --- 1 OF 5

Exhibit 2

Official Personnel Folders (eOPF) system. I am also responsible for conducting searches for records located in Personnel that are responsive to FOIA/PA requests.

4. The statements I make in this declaration are made on the basis of my personal knowledge, review of the official files and records of the EOUSA, and knowledge acquired by me through the performance of my official duties.

5. I am familiar with the procedures followed by EOUSA in conducting searches for records responsive to FOIA/PA requests. Also, I am familiar with the FOIA requests submitted by plaintiff, Lindsey Kent Spencer, (hereinafter referred to as "plaintiff") that were assigned FOIA Request Nos. 2015-01085, 2014-00473, and 2014-00169.

6. The purpose of this declaration is to provide the Court with information regarding my efforts to respond to plaintiff's FOIA requests. This declaration consists of: (1) relevant correspondence related to plaintiff's FOIA request; and (2) an explanation of the search for records responsive to the plaintiff's request.

I. CORRESPONDENCE

7. On January 9, 2015, I received by email from EOUSA a copy of FOIA Request No. 2015-01085 dated December 31, 2014 and January 2, 2015. Plaintiff sought to obtain information or documentation related to six individuals - Kenneth P. Snoke, Robert D. Metcalfe, Jeffrey A. Gallant, Charles A. O'Reilly, James C. Strong, and Thomas Scott Woodward. Specifically, plaintiff wanted information showing the authorization for the above-named individuals to represent the United States of America during various periods ranging from January 1, 2007, to January 1, 2015. I respectfully refer the Court to the documents for a true and accurate statement of the FOIA request contents.

EXHIBIT 19 --- 2 OF 5

8. On April 23, 2014, I received by email from EOUSA a copy of FOIA Request No. 2014-00473 dated October 9, 2013. Plaintiff sought to obtain information and any documents that pertain to the appointment of Charles A. O'Reilly as a "Special Assistant United States Attorney" during the period between June 1, 2009, and September 10, 2013. I respectfully refer the Court to the documents for a true and accurate statement of the FOIA request contents.

9. On February 4, 2014, I received by email from EOUSA a copy of FOIA Request No. 2014-00169 dated October 9, 2013. Plaintiff sought to obtain "information and any documents pertaining to the appointment of Thomas Scott Woodward as the United States Attorney for the Northern Judicial District of Oklahoma." I respectfully refer the Court to the documents for a true and accurate statement of the FOIA request contents.

II. ADEQUACY OF THE SEARCH

10. In order to determine whether responsive records existed for the individuals identified in FOIA Request Nos. 2015-01085, 2014-00473, and 2014-00169, I conducted a search of the eOPF. The eOPF provides electronic, web-enabled access for all Federal agency personnel to view and manage employment documents. eOPF includes security measures that ensure the integrity of the system and employee documents in the system.

11. Additionally, I conducted a search of DOJ's Microsoft Outlook Office, Global Address Book, Global Address Listings (GAL). GAL is a database within the Microsoft Exchange Server account that contains the names and email addresses, among other things, of every employee within DOJ.

12. The searches produced records that consist of the following:

- a. Appointment Affidavits of Thomas Scott Woodward dated May 25, 2010
- b. Appointment Affidavits of Jeffrey A. Gallant dated November 17, 2006

EXHIBIT 19 --- 3 OF 5

13. Initially I was unable to locate any information related to Kenneth P. Snoke, Robert D. Metcalfe, Charles A. O'Reilly, and James C. Strong. The absence of information in the eOPF and GAL indicated to me that the individuals were not employed by the USAO/NDOK at the time of the search.

14. On July 23, 2015, my office contacted USAO/NDOK staff to determine whether Appointment Affidavits existed for Mr. O'Reilly or any of the other individuals for whom I was unable to locate information. After searching the records, a staff member from the SAUSA Program located a copy of Mr. O'Reilly's Appointment Affidavits. Apparently, Mr. O'Reilly was appointed by the U.S. Attorney for NDOK for a limited purpose not to exceed January 5, 2016. I received a copy of Mr. O'Reilly's Appointment Affidavits from USAO/NDOK on July 23, 2015 and immediately forwarded a copy to EOUSA/FOIA staff.

15. As previously stated, EOUSA FOIA/PA staff located in Washington, D.C. review, process and make determinations on all requests for access to records located in the 94 United States Attorney's offices in accordance with FOIA, PA and the United States Department of Justice's regulations. *See* 28 C.F.R. §§ 16.3 *et seq.* and 16.40 *et seq.*

16. In accordance with that procedure, on February 4, 2014, I electronically scanned the records that had been located at that time into the EOUSA FOIA/PA database system for review by EOUSA FOIA/PA staff.

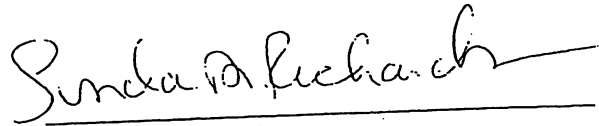
17. All systems of records located within eOPF that were likely to contain records responsive to plaintiff's requests have been searched. The searches were reasonably calculated to uncover all records responsive to plaintiff's requests.

18. I am not aware of any other locations within EOUSA where any other records that might be responsive to plaintiff's requests are likely to be located. Furthermore, I am not aware

of any other method or means by which a further search could be conducted that would likely uncover additional responsive records.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed this 30th day of July, 2015.



Linda M. Richardson
Administrative Services Assistant
United States Department of Justice
Executive Office for United States Attorneys

ND 12

EXHIBIT 19 --- 5 OF 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Case No. 09-CR-043-SPF

LINDSEY KENT SPRINGER,)

OSCAR AMOS STILLEY,)

Defendants.)

**UNITED STATES' CONSOLIDATED RESPONSE TO DEFENDANT
SPRINGER'S MOTIONS TO DISMISS (DOCS. 280, 282 AND 284)
AND MOTION TO STRIKE DOC. 276 AND 277 (DOC. 285)**

United States of America, by and through its attorneys, Thomas Scott Woodward, United States Attorney for the Northern District of Oklahoma¹ and Kenneth P. Snoke, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby responds in opposition to Defendant Springer's following filings:

- Motion to Dismiss Count One for Lack of Article I Subject Matter Jurisdiction, Article III Jurisdiction of the Facts and Venue (Doc. 280);
- Motion to Dismiss Counts Two, Three, Four, Five and Six for Lack of Article III Subject Matter Jurisdiction, Article III Jurisdiction of the Facts and Venue (Doc. 282);
- Motion to Dismiss Indictment for (1) Lack of Article III Standing of United States of America, (2) Lack of Article III Case or Controversy, (3) For Violation of Title 28, United States Code Section 547, Lacking of Subject Matter Jurisdiction (Doc. 284); and

¹On January 21, 2010, Thomas Scott Woodward was sworn in as the Attorney General's appointed United States Attorney for the Northern District of Oklahoma.

– Motion to Strike Doc. 276 and 277 (Doc. 285).

In these four motions, Defendant asserts many of the same frivolous arguments made in previous filings, including in Defendant's First Motion to Dismiss Grand Jury Indictment for Lack of Venue and supporting memorandum of law (Docs. 51 and 52), and in Defendant's Reply Regarding Opposition to Springer's Motion to Dismiss (Doc. 81). These arguments, previously rejected by the Court, include that the abolishment of the Internal Revenue districts prevented the United States from prosecuting him pursuant to Title 26, United States Code Sections 7201 and 7203. The Government has responded to Defendant's previous assertions, including in Docs. 42, 71, 80, 93, 276 and 277. The Court denied Defendant's motion to dismiss (Doc. 51) on July 1, 2009. Doc. 100. While a defendant may raise jurisdiction at any point while the case is "pending," Defendant has raised these arguments previously, and this Court has appropriately rejected them.

Defendant does raise what the United States believes may be new assertions, but these new assertions are frivolous to the point of absurdity. These arguments include that Thomas Scott Woodward "is not authorized to act as a United States Attorney" (Doc. 285 at 1-2), that the United States lacks standing to bring criminal charges pursuant to Title 26 (Doc. 284 at 2), that "[t]here are no United States Attorney Offices established by law that could qualify to be exercised outside of the District of Columbia" (Doc. 284 at 8-9), etc.

Further, to the extent Defendant's arguments go to jurisdiction as opposed to venue for this prosecution, Defendant's pending motions seeking a new trial (Doc. 262) and

challenging the jurisdiction of this Court (Docs. 271 and 272) also raise many of these issues, to which the United States has already responded.

Defendant's motions (Docs. 280, 282, 284 and 285), together with their supporting briefs, (Docs. 281 and 283), largely rehash frivolous arguments that Defendant has previously made. The United States previously addressed these assertions in Docs. 42, 71, 80, 93, 276 and 277. However, the United States stands ready to file supplemental responses should the Court determine that such responses would be of assistance to the Court.

Respectfully submitted,

THOMAS SCOTT WOODWARD
UNITED STATES ATTORNEY

/s/ Kenneth P. Snoke

KENNETH P. SNOKE, OBA NO. 8437

Assistant United States Attorney

CHARLES A. O'REILLY, CBA NO. 160980

Special Assistant United States Attorney

110 West Seventh Street, Suite 300

Tulsa, Oklahoma 74119

(918) 382-2700

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Lindsey K. Springer, Defendant

Oscar A. Stilley, Defendant

Robert Williams
Standby Counsel assigned to Lindsey Kent Springer

Charles Robert Burton, IV
Standby Counsel assigned to Oscar Amos Stilley

/s/ Kenneth P. Snoke

Assistant United States Attorney

N.E.
20



U.S. Department of Justice
 Executive Office for United States Attorneys
 Freedom of Information & Privacy Staff
 600 E Street, N.W.
 Suite 7300, Bicentennial Building
 Washington, DC 20530-0001
 (202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao/)

June 4, 2014

Requester: Lindsey Springer

Request Number: FOIA-2014-00473 Date of Receipt: October 23, 2013

Subject of Request: Appointment of SAUSA Charles A. O'Reilly/Personnel

Dear Ms. Springer:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. ☒ A search for records located in EOUSA- Personnel has revealed no responsive records regarding the above subject. It appears that SAUSA Charles A. O'Reilly is no longer an employee. Therefore, his official personnel file is no longer maintained.
2. ☐ A search for records located in the United States Attorney's Office(s) for the _____ has revealed no responsive records regarding the above subject.
3. ☐ After an extensive search, the records which you have requested cannot be located.
4. ☐ Your records have been destroyed pursuant to Department of Justice guidelines.
5. ☐ Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, Washington, DC 20530-0001, or you may submit an appeal through this Office's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Susan B. Gerson
 Assistant Director

To: Danny C. Williams
United States Attorney Office
110 West 7th St., Suite 300
Tulsa, Oklahoma 74119-1013

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Mr. Williams:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documents pertaining to or showing Thomas Scott Woodward as the "First Assistant" to David E. O'Meilie, pursuant to 5 U.S.C. § 3345(a)(1), from or on January 1, 2009 through June 28, 2009.

To help you in gathering this information I can provide to you that the Form 50-A or 50-B, entitled "Notification of Personnel Action," may contain the information I seek.

I am not requesting the Form 50-B naming Thomas Scott Woodward dated October 5, 2009, which you have already provided to me in litigation, see filing dated January 17, 2014, in 08-CV-278, but rather, the Form 50-A or 50-B that is immediately before the October 5, 2009 Form 50-B.

The dates may begin on October 6, 2005 and extend to October 4, 2009.
My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.


DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on December 31, 2014 I deposited the above Freedom of Information Act request in the U.S. Mailbox inside Federal Satellite Low-La Tuna Federal Prison to Mr. Williams and his Office at the address listed above under his name.


Declarant

EXHIBIT 22 --- 1 OF 1

To: Danny C. Williams, Sr.
United States Attorney Office
110 West 7th St., Suite 300
Tulsa, Oklahoma 74119-1013

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Mr. Williams:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Thomas Scott Woodward to represent the United States of America pursuant to 28 U.S.C. §§ 542, 546(a), and 5 U.S.C. § 3345(a)(1)

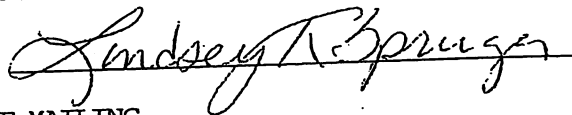
The dates or time period of this request is between January 1, 2009 through January 1, 2013

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Assistant United States Attorney," "Acting United States Attorney," and "United States Attorney"

My request is also limited to such authorization and/or appointment of Thomas Scott Woodward in and for the Northern District of Oklahoma.

My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on December 31, 2014 I deposited the above Freedom of Information Act request in the U.S. Mailbox inside Federal Satellite Low-La Tuna Federal Prison to Mr. Williams and his Office at the address listed above under his name.

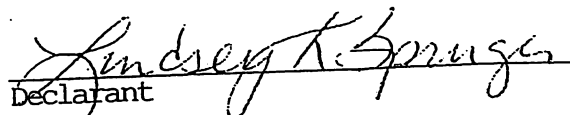

Declarant

EXHIBIT 23 --- 1 OF 1

To: Danny C. Williams, Sr.
United States Attorney Office
110 West 7th St., Suite 300
Tulsa, Oklahoma 74119-1013

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Mr. Williams:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Kenneth P. Snoke to represent the United States of America pursuant to 28 U.S.C. §§ 542, 543, and 547(1).

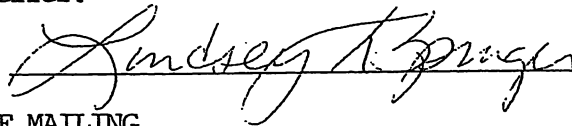
The dates or time period of this request is between January 1, 2008 through January 1, 2011.

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Assistant United States Attorney" for the Northern District of Oklahoma.

My request is also limited to such authorization and/or appointment of Kenneth P. Snoke in and for the Northern District of Oklahoma.

My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on December 31, 2014 I deposited the above Freedom of Information Act request in the U.S. Mailbox inside Federal Satellite Low-La Tuna Federal Prison to Mr. Williams and his Office at the address listed above under his name.


Declarant

EXHIBIT 24 --- 1 OF 1

02580-063

TO:

National Personnel Records
Civilian/Foia Unit
1 Archives DR
Saint Louis, MO 63138
United States

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Dear Freedom of Information Officer:

This is my Freedom of Information Act ("FOIA") request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining all information and all documents pertaining to, including instruments of appointment to Article II, § 2, Cl. 2 office of Assistant United States Attorney for the Northern District of Oklahoma pursuant to 28 U.S.C. § 542(a)

I seek the records that shows the name of the person who appointed Kenneth P. Snoke and the terms and dates of such appointment.

The time period for this request is between January 20, 2001 through July, 2010

To help in your search, the Judicial District to which Kenneth P. Snoke excersized the office listed above was in the Northern District of Oklahoma

My date of birth is September 11, 1965.

I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on February 28, 2016 I deposited the above FOIA request in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to the address for the National Personnel Records Center listed above.

Declarant

EXHIBIT 25 --- 1 OF 2

To: National Personnel Records
Civilian/FOIA Unit
1 Archives Dr.
St. Louis, Missouri 63138

From: Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

Re: Change of Address for Lindsey Kent Springer in the FOIA request
naming Kenneth P. Snoke under 28 U.S.C. § 542(a)

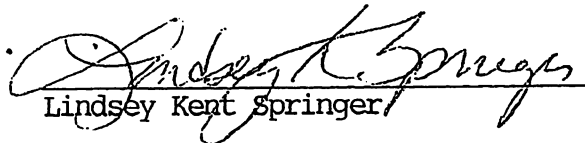
Dear N.P.R. Civilian FOIA Unit

Please take notice that the address for Lindsey Kent Springer, as of March 16, 2016, will change to the following address:

Lindsey Kent Springer
Reg. # 02580-063
Federal Satellite Camp-Seagoville
P.O. Box 6000
Seagoville, Texas 75159

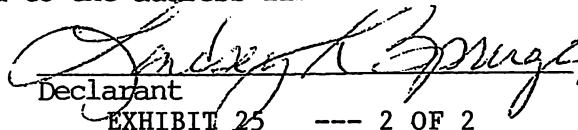
Please use this address for any correspondence you may make after March 16, 2016. I have attached a copy of my FOIA request for your convenience.

Thank you for your attention to this matter and I hope you have a nice day.


Lindsey Kent Springer

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 15, 2016, I mailed the above Change of Address notice by depositing the same in the U.S. Mailbox located inside FSL La Tuna to the address listed above.


Declarant
EXHIBIT 25 --- 2 OF 2

RETURNED REQUEST FORM

Your Request Is Returned Without Action For The Reason(S) Checked Below. If You Resubmit Your Request, Please Return All Attached Papers, Including This Form.

☐ Further information is needed before we can locate the record needed to process your request. Please complete the items marked below.

- ☐ SOCIAL SECURITY NUMBER _____ ☐ DATE OF BIRTH _____
- ☐ INFORMATION FOR EACH PERIOD OF EMPLOYMENT (IF necessary, continue below or on a separate page)

NAMES USED DURING FEDERAL SERVICE	EMPLOYING AGENCY AND LOCATIONS	DATES OF EMPLOYMENT

- ☐ The request must include the authorization/handwritten signature of the person who is the subject of the record.
- ☐ If you are requesting information on a deceased individual, please submit proof of death.
- ☐ Please state exactly what information or documents you need.
- ☒ We are unable to locate the requested record based on the information you have provided. Please check the information contained in your request. If you can furnish any corrected information or any additional information to verify the claimed service, please resubmit your request.
- ☐ A request from a Federal agency for the transfer of a personnel record must be submitted on Standard Form 127, Request for Official Personnel Folder, or an authorized equivalent. Please submit your request on SF 127, **in duplicate**.
- ☐ Please submit a separate Standard Form 127 for each individual record being requested.
- ☐ Please complete the return address block on all copies of Standard Form 127.
- ☐ The return address must clearly state the **name of the Federal Agency** with which your office is affiliated. Please enter the agency name and resubmit your request.
- ☐ Standard Form 127 may not be used to request information or copies of documents. Please resubmit your request on agency letterhead.
- ☐ Standard Form 127 may not be used to request the transfer of medical records. Please submit Standard Form 184, Request for Employee Medical Folder, **in duplicate**.
- ☐ The request form you submitted is only for the use of Federal agencies. Please resubmit your request in letter form.
- ☐ The agency named in your request does not retire personnel records to this Center. Please submit your request directly to that agency.
- ☐ The record needed to respond to your request has not been received at this Center. Please submit your request to the last or current employing agency.
- ☐ The record requested is an Electronic Official Personnel Folder (eOPF). Please submit a Standard Form 127 electronically through the eOPF website.

PRIVACY ACT OF 1974 COMPLIANCE INFORMATION

Authority for collection of the information is 44 U.S.C. 2907 and 3103 and Public Law 104-134 (April 26, 1996) as amended in title 31, section 7701. Disclosure of the information is voluntary. The principal purpose of the information is to assist the National Personnel Records Center in locating and verifying the correctness of the requested records or information to answer your inquiry. Routine uses of the information as established and published in accordance with 5 U.S.C. 552a(e)(4)(D) include the transfer of relevant information to appropriate federal, state, local, or foreign agencies for use in civil, criminal, or regulatory investigations or prosecution. In addition this form will be filed with the appropriate military or civilian records and may be transferred along with the record to another agency in accordance with the routine uses established by the agency which maintains the record. If the requested information is not provided, it may not be possible to service your inquiry.

PAPERWORK REDUCTION ACT PUBLIC BURDEN STATEMENT

An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection is 3095-0037. The information requested on this form is being collected and used by the National Personnel Records Center to identify and locate civilian personnel records that could not be identified and located in response to the original inquiry. Public burden reporting for this collection of information is estimated to be five minutes per response, including time for reviewing instructions and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to National Archives and Records Administration (NHP), 8601 Adelphi Road, College Park, MD 20740-6001. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. SEND COMPLETED FORMS TO THE ADDRESS SHOWN BELOW.

LINDSEY SPRINGER
REG. #02580-063
FEDERAL SATELLITE LOW-LA TUNA
PO BOX 6000
ANTHONY, NM 88021

EXHIBIT 26

Date: 3/29/2016

MS

Civilian Operations Branch

--- 1 OF 2

NATIONAL PERSONNEL RECORDS CENTER
(Civilian Personnel Records)
111 Winnebago Street
St. Louis MO 63118-4199

National Personnel Records Center
Civilian Personnel Records
1411 Boulder Blvd
Valmeyer, IL 62295-2603

OFFICIAL BUSINESS
Penalty for Private Use \$300

Hasler
02/09/2016
US POSTAGE



Food

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Seagoville, FCI
PO Box 9000
Seagoville, TX 75159